STATE LAW LIBRARY OF MONTANA

Joseph P. Mazurek Justice Building
215 North Sanders Street
PO Box 203004
Helena, MT 59620-3004

Website: courts.mt.gov/library
Email: mtlawlibrary@mt.gov
Phone: 406-444-3660
Fax: 406-444-3603

Legislative History – Montana Session Law

Chapter: 47 Session L: 2019

Bill Number: HB 206

Checklist of Bill History

- History and Final Status Sheet ☑
- Introduced Bill ☑
- Fiscal Note ☐
- Third Reading Bill ☑
- Final Version of Bill ☑

House	Senate
Committee: Federal Relations, Energy and Telecommunications	Committee: Energy and Telecommunications
Hearing Date(s): 1/21/2019	Hearing Date(s): 2/12/2019
Committee Report: 1/23/2019	Committee Report: 2/14/2019

Conference Committee

Hearing Date(s):

Conference Committee Report:

Compiler Notes

Compiled by: SK Marshall

Date: 11/21/2024

Notes: Audio/Video recordings can be found here: http://sg001-harmony.sliq.net/00309/Harmony/en/PowerBrowser/PowerBrowserV2/20170221/-1/35607?agendaId=131335#handoutFile

Thank you!

Exported Data

Date	Action	Committee	Votes (Yes)	Votes (No)	Media
03/07/19	Chapter Number Assigned				
03/07/19	(H) Signed by Governor				
02/26/19	(H) Transmitted to Governor				
02/26/19	(S) Signed by President				
02/25/19	(H) Signed by Speaker				
02/21/19	(C) Printed - Enrolled Version Available				
02/21/19	(H) Returned from Enrolling				
02/20/19	(H) Sent to Enrolling				
02/19/19	(S) Returned to House				
02/19/19	(S) 3rd Reading Concurred		50	0	
02/19/19	(S) Scheduled for 3rd Reading				
02/18/19	(S) 2nd Reading Concurred		50	0	
02/18/19	(S) Scheduled for 2nd Reading				
02/15/19	(S) Committee Report--Bill Concurred	(S) Energy and Telecommunications			
02/14/19	(S) Committee Executive Action--Bill Concurred	(S) Energy and Telecommunications	12	0	
02/12/19	(S) Hearing	(S) Energy and Telecommunications			
01/30/19	(S) Referred to Committee	(S) Energy and Telecommunications			
01/30/19	(S) First Reading				
01/29/19	(H) Transmitted to Senate				
01/29/19	(H) 3rd Reading Passed		99	0	
01/29/19	(H) Scheduled for 3rd Reading				
01/28/19	(H) 2nd Reading Passed		100	0	
01/28/19	(H) Scheduled for 2nd Reading				
01/24/19	(H) Committee Report--Bill Passed	(H) Federal Relations, Energy and Telecommunications			
01/23/19	(H) Committee Executive Action--Bill Passed	(H) Federal Relations, Energy and Telecommunications	12	0	
01/21/19	(H) Hearing	(H) Federal Relations, Energy and Telecommunications			
01/15/19	(C) Introduced Bill Text Available Electronically				
01/15/19	(H) First Reading	(H) Federal Relations, Energy and Telecommunications			
01/15/19	(H) Referred to Committee	(H) Federal Relations, Energy and Telecommunications			

Date	Action	Committee	Votes (Yes)	Votes (No)	Media
01/15/19	(H) Introduced				
01/15/19	(C) Draft Delivered to Requester				
01/14/19	(C) Executive Director Final Review				
01/14/19	(C) Bill Draft Text Available Electronically				
01/14/19	(C) Draft in Final Drafter Review				
01/12/19	(C) Draft to Drafter - Edit Review [KWK]				
01/11/19	(C) Draft in Legal Review				
01/11/19	(C) Draft Back for Redo				
01/05/19	(C) Draft Ready for Delivery				
01/04/19	(C) Executive Director Final Review				
01/04/19	(C) Draft in Assembly				
01/04/19	(C) Executive Director Review				
01/04/19	(C) Bill Draft Text Available Electronically				
01/04/19	(C) Draft in Final Drafter Review				
01/03/19	(C) Draft in Input/Proofing				
01/03/19	(C) Draft to Drafter - Edit Review [KWK]				
01/02/19	(C) Draft in Edit				
01/02/19	(C) Draft in Legal Review				
12/21/18	(C) Draft to Requester for Review				
12/04/18	(C) Draft Request Received				

AN ACT CLARIFYING A RURAL COOPERATIVE UTILITY'S AUTHORITY TO RETAIN AND RETIRE CAPITAL CREDITS; AMENDING SECTION 35-18-316, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 35-18-316, MCA, is amended to read:

"35-18-316. ~~Refunds to members~~ Allocation and retirement of patronage capital -- retention of unclaimed ~~refunds~~ retirement payments. (1) ~~Revenue of a cooperative~~ A cooperative's patronage capital for any fiscal year must, unless otherwise determined by a vote of the members, be ~~distributed~~ allocated by the cooperative to its members ~~as patronage refunds prorated in accordance with the patronage of the cooperative by the respective members paid for during the fiscal year, whenever the revenue exceeds the amount necessary to:~~ in accordance with this section.

(2) (a) Patronage capital must be determined by a cooperative on an annual basis and reflect an amount equal to cooperative revenues in excess of its costs of doing business.

(b) For the purposes of patronage capital, costs include but are not limited to revenue to:

~~(a)~~(i) defray expenses of the cooperative and of the operation and maintenance of its facilities during the fiscal year;

~~(b)~~(ii) pay interest and principal obligations of the cooperative coming due in the fiscal year;

~~(c)~~(iii) finance or provide a reserve for the financing of the construction or acquisition by the cooperative of additional facilities to the extent determined by the board of trustees;

~~(d)~~(iv) provide a reasonable reserve for working capital;

~~(e)~~(v) provide a reserve for the payment of indebtedness of the cooperative maturing more than 1 year after the date of the incurrence of the indebtedness in an amount not less than the total of the interest and principal payments required to be made during the next fiscal year; and

~~(f)~~(vi) provide a fund, which may be not less than 2% or more than 5% of the balance remaining, for education in cooperation and for the dissemination of information concerning the effective use of electrical energy

and other services made available by the cooperative.

(3) (a) Patronage capital must annually be allocated on the books of the cooperative to each member.

(b) The allocation must be based on and in proportion to:

(i) the revenue from each member or group of similar members;

(ii) the contribution of each member or group of similar members to the cooperative's overall patronage capital; or

(iii) any combination of subsections (3)(b)(i) and (3)(b)(ii) as determined by the board of trustees.

(4) The allocation of patronage capital to a member's account does not vest until the board determines that retirement is proper pursuant to subsection (5).

(5) (a) Retirement of patronage capital is the actual payment, as provided in subsection (6), of patronage capital to the cooperative members to whom it has previously been allocated.

(b) The board of trustees of a cooperative may, in its discretion, use its business judgment to retire patronage capital allocated on the books of the cooperative when the retirement is consistent with sound business and management practices and the long-term financial stability of the cooperative. If the board of trustees, in its discretion, uses its business judgment to offer members the option of accepting retirement of patronage capital outside of the normal retirement cycle, then the retirement may be discounted from the board's approved retirement cycle to present-day value when determined to be appropriate by the board of trustees.

(6) When the board of trustees of the cooperative determines in accordance with subsection (5) that patronage capital should be retired, the payment must be made. Interest may not be paid or payable by the cooperative on any patronage capital furnished by its members.

~~(2)~~(7) Nothing contained in this section may be construed to prohibit the payment by a cooperative of all or any part of its indebtedness prior to the date when the payment becomes due.

~~(3)~~(8) A cooperative shall, upon the action of the board of trustees, retain ~~patronage refunds~~ retirements of patronage capital allocated to its members that remain unclaimed for a period of 5 years after the end of the year in which the ~~refunds are given~~ retirement is made. ~~Refunds retained by the cooperative~~ Unclaimed retirements retained by the cooperative must be used for educational purposes."

Section 2. Effective date. [This act] is effective on passage and approval.

- END -

I hereby certify that the within bill,

HB 0206, originated in the House.

_____

Speaker of the House

Signed this _____ day

of _____, 2019.

_____

Chief Clerk of the House

_____

President of the Senate

Signed this _____ day

of _____, 2019.

HOUSE BILL NO. 206

INTRODUCED BY F. GARNER

AN ACT CLARIFYING A RURAL COOPERATIVE UTILITY'S AUTHORITY TO RETAIN AND RETIRE CAPITAL CREDITS; AMENDING SECTION 35-18-316, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE.

AN ACT CLARIFYING A RURAL COOPERATIVE UTILITY'S AUTHORITY TO RETAIN AND RETIRE CAPITAL CREDITS; AMENDING SECTION 35-18-316, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 35-18-316, MCA, is amended to read:

"35-18-316. ~~Refunds to members~~ Allocation and retirement of patronage capital -- retention of unclaimed ~~refunds~~ retirement payments. (1) ~~Revenue of a cooperative~~ A cooperative's patronage capital for any fiscal year must, unless otherwise determined by a vote of the members, be ~~distributed~~ allocated by the cooperative to its members ~~as patronage refunds prorated in accordance with the patronage of the cooperative by the respective members paid for during the fiscal year, whenever the revenue exceeds the amount necessary to:~~ in accordance with this section.

(2) (a) Patronage capital must be determined by a cooperative on an annual basis and reflect an amount equal to cooperative revenues in excess of its costs of doing business.

(b) For the purposes of patronage capital, costs include but are not limited to revenue to:

~~(a)~~(i) defray expenses of the cooperative and of the operation and maintenance of its facilities during the fiscal year;

~~(b)~~(ii) pay interest and principal obligations of the cooperative coming due in the fiscal year;

~~(c)~~(iii) finance or provide a reserve for the financing of the construction or acquisition by the cooperative of additional facilities to the extent determined by the board of trustees;

~~(d)~~(iv) provide a reasonable reserve for working capital;

~~(e)~~(v) provide a reserve for the payment of indebtedness of the cooperative maturing more than 1 year after the date of the incurrence of the indebtedness in an amount not less than the total of the interest and principal payments required to be made during the next fiscal year; and

~~(f)~~(vi) provide a fund, which may be not less than 2% or more than 5% of the balance remaining, for education in cooperation and for the dissemination of information concerning the effective use of electrical energy

and other services made available by the cooperative.

(3) (a) Patronage capital must annually be allocated on the books of the cooperative to each member.

(b) The allocation must be based on and in proportion to:

(i) the revenue from each member or group of similar members;

(ii) the contribution of each member or group of similar members to the cooperative's overall patronage capital; or

(iii) any combination of subsections (3)(b)(i) and (3)(b)(ii) as determined by the board of trustees.

(4) The allocation of patronage capital to a member's account does not vest until the board determines that retirement is proper pursuant to subsection (5).

(5) (a) Retirement of patronage capital is the actual payment, as provided in subsection (6), of patronage capital to the cooperative members to whom it has previously been allocated.

(b) The board of trustees of a cooperative may, in its discretion, use its business judgment to retire patronage capital allocated on the books of the cooperative when the retirement is consistent with sound business and management practices and the long-term financial stability of the cooperative. If the board of trustees, in its discretion, uses its business judgment to offer members the option of accepting retirement of patronage capital outside of the normal retirement cycle, then the retirement may be discounted from the board's approved retirement cycle to present-day value when determined to be appropriate by the board of trustees.

(6) When the board of trustees of the cooperative determines in accordance with subsection (5) that patronage capital should be retired, the payment must be made. Interest may not be paid or payable by the cooperative on any patronage capital furnished by its members.

~~(2)~~(7) Nothing contained in this section may be construed to prohibit the payment by a cooperative of all or any part of its indebtedness prior to the date when the payment becomes due.

~~(3)~~(8) A cooperative shall, upon the action of the board of trustees, retain ~~patronage refunds~~ retirements of patronage capital allocated to its members that remain unclaimed for a period of 5 years after the end of the year in which the ~~refunds are given~~ retirement is made. ~~Refunds retained by the cooperative~~ Unclaimed retirements retained by the cooperative must be used for educational purposes."

Section 2. Effective date. [This act] is effective on passage and approval.

- END -

I hereby certify that the within bill,

HB 0206, originated in the House.

_____

Speaker of the House

Signed this _____ day

of _____, 2019.

_____

Chief Clerk of the House

_____

President of the Senate

Signed this _____ day

of _____, 2019.

HOUSE BILL NO. 206

INTRODUCED BY F. GARNER

AN ACT CLARIFYING A RURAL COOPERATIVE UTILITY'S AUTHORITY TO RETAIN AND RETIRE CAPITAL CREDITS; AMENDING SECTION 35-18-316, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE.

HOUSE BILL NO. 206

INTRODUCED BY F. GARNER

A BILL FOR AN ACT ENTITLED: "AN ACT CLARIFYING A RURAL COOPERATIVE UTILITY'S AUTHORITY TO RETAIN AND RETIRE CAPITAL CREDITS; AMENDING SECTION 35-18-316, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 35-18-316, MCA, is amended to read:

"35-18-316. ~~Refunds to members~~ Allocation and retirement of patronage capital -- retention of unclaimed ~~refunds~~ retirement payments. (1) ~~Revenue of a cooperative~~ A cooperative's patronage capital for any fiscal year must, unless otherwise determined by a vote of the members, be ~~distributed~~ allocated by the cooperative to its members ~~as patronage refunds prorated in accordance with the patronage of the cooperative by the respective members paid for during the fiscal year, whenever the revenue exceeds the amount necessary to:~~ in accordance with this section.

(2) (a) Patronage capital must be determined by a cooperative on an annual basis and reflect an amount equal to cooperative revenues in excess of its costs of doing business.

(b) For the purposes of patronage capital, costs include but are not limited to revenue to:

~~(a)~~(i) defray expenses of the cooperative and of the operation and maintenance of its facilities during the fiscal year;

~~(b)~~(ii) pay interest and principal obligations of the cooperative coming due in the fiscal year;

~~(c)~~(iii) finance or provide a reserve for the financing of the construction or acquisition by the cooperative of additional facilities to the extent determined by the board of trustees;

~~(d)~~(iv) provide a reasonable reserve for working capital;

~~(e)~~(v) provide a reserve for the payment of indebtedness of the cooperative maturing more than 1 year after the date of the incurrence of the indebtedness in an amount not less than the total of the interest and principal payments required to be made during the next fiscal year; and

~~(f)~~(vi) provide a fund, which may be not less than 2% or more than 5% of the balance remaining, for education in cooperation and for the dissemination of information concerning the effective use of electrical energy

and other services made available by the cooperative.

(3) (a) Patronage capital must annually be allocated on the books of the cooperative to each member.

(b) The allocation must be based on and in proportion to:

(i) the revenue from each member or group of similar members;

(ii) the contribution of each member or group of similar members to the cooperative's overall patronage capital; or

(iii) any combination of subsections (3)(b)(i) and (3)(b)(ii) as determined by the board of trustees.

(4) The allocation of patronage capital to a member's account does not vest until the board determines that retirement is proper pursuant to subsection (5).

(5) (a) Retirement of patronage capital is the actual payment, as provided in subsection (6), of patronage capital to the cooperative members to whom it has previously been allocated.

(b) The board of trustees of a cooperative may, in its discretion, use its business judgment to retire patronage capital allocated on the books of the cooperative when the retirement is consistent with sound business and management practices and the long-term financial stability of the cooperative. If the board of trustees, in its discretion, uses its business judgment to offer members the option of accepting retirement of patronage capital outside of the normal retirement cycle, then the retirement may be discounted from the board's approved retirement cycle to present-day value when determined to be appropriate by the board of trustees.

(6) When the board of trustees of the cooperative determines in accordance with subsection (5) that patronage capital should be retired, the payment must be made. Interest may not be paid or payable by the cooperative on any patronage capital furnished by its members.

~~(2)~~(7) Nothing contained in this section may be construed to prohibit the payment by a cooperative of all or any part of its indebtedness prior to the date when the payment becomes due.

~~(3)~~(8) A cooperative shall, upon the action of the board of trustees, retain ~~patronage refunds~~ retirements of patronage capital allocated to its members that remain unclaimed for a period of 5 years after the end of the year in which the ~~refunds are given~~ retirement is made. ~~Refunds retained by the cooperative~~ Unclaimed retirements retained by the cooperative must be used for educational purposes."

NEW SECTION. **Section 2. Effective date.** [This act] is effective on passage and approval.

- END -

MINUTES

MONTANA HOUSE OF REPRESENTATIVES
66th LEGISLATURE - REGULAR SESSION

COMMITTEE ON ENERGY, TECHNOLOGY AND FEDERAL RELATIONS

Call to Order: Chair Daniel Zolnikov, on January 21, 2019 at 3:00 PM, in Room 472 Capitol

ROLL CALL

Members Present:

Rep. Daniel Zolnikov, Chair (R)
Rep. Christopher Pope, Vice Chair (D)
Rep. Derek Skees, Vice Chair (R)
Rep. Geraldine Custer (R)
Rep. Alan Doane (R)
Rep. Neil Duram (R)
Rep. Denise Hayman (D)
Rep. Andrea Olsen (D)
Rep. Alan Redfield (R)
Rep. Sharon Stewart Peregoy (D)
Rep. Katie Sullivan (D)

Members Excused: Rep. Wylie Galt (R)

Members Absent: None

Staff Present: Robyn Brown, Committee Secretary
Sonja Nowakowski, Legislative Branch

Audio Committees: These minutes are in outline form only. They provide a list of participants and a record of official action taken by the committee. The link to the audio recording of the meeting is available on the Legislative Branch website.

Committee Business Summary:

Hearing & Date Posted: HB 203, 1/15/2019; HB 206, 1/15/2019

15:01:50 Chair Zolnikov

HEARING ON HB 203

Opening Statement by Sponsor:
15:02:33 Rep. Rodney Garcia (R), HD 52, opened the hearing on HB 203, Provide bonding for purchase of coal-fired energy generation.
EXHIBIT(feh11a01)

Proponents' Testimony:
15:04:02 Bob Gilbert, City of Colestrip
15:06:17 Adam Haight, Montana AFL-CIO
15:07:00 Darryl Holzer, State Building and Construction Trades
15:08:52 Candace Payne, Colstrip Energy Limited Partnership, Yellowstone Energy Limited Partnership, Rosebud Operating Services, and Billings Generation, Inc.

Opponents' Testimony:
15:10:56 Cary Hegreberg, Montana Chamber of Commerce
EXHIBIT(feh11a02)

15:13:41 Representative Olsen left the meeting.

15:19:22 Anne Hedges, Montana Environmental Information Center (MEIC)
15:25:20 Bob Story, Montana Taxpayers Association
EXHIBIT(feh11a03)
15:31:27 Amy Seaman, Montana Audubon Society
15:33:03 Cody Ferguson, Northern Plains Resource Council

Informational Testimony:
15:36:12 Tony O'Donnell, Commissioner, Public Service Commission (PSC)

Questions from Committee Members and Responses:
15:38:37 Vice Chair Skees
15:38:55 Rep. Garcia
15:41:09 Vice Chair Skees
15:41:22 Rep. Garcia
15:42:13 Vice Chair Skees
15:42:23 Anne Hedges, MEIC
15:43:06 Chair Zolnikov
15:43:23 Anne Hedges, MEIC
15:44:09 Chair Zolnikov
15:44:19 Cody Ferguson, Northern Plains Resource Council

Closing by Sponsor:
15:45:26 Rep. Garcia

HEARING ON HB 206

Opening Statement by Sponsor:
15:47:53 Rep. Frank Garner (R), HD 7, opened the hearing on HB 206, Clarify a rural cooperative utility's authority.

Proponents' Testimony:
15:49:40 Mark Johnson, Flathead Electric Cooperative
EXHIBIT(feh11a04)
15:52:52 Mark Hayden, Missoula Electric Cooperative
EXHIBIT(feh11a05)
15:56:58 Doug Hardy, Montana Electric Cooperative Association (MECA)

16:00:12 Rep. Olsen re-joined the meeting.

16:08:13 Geoff Feiss, Montana Telecommunications Association (MTA)

Opponents' Testimony:
None.

Informational Testimony:
None.

Questions from Committee Members and Responses:
16:11:06 Rep. Redfield
16:11:28 Doug Hardy, MECA
16:13:38 Vice Chair Pope
16:14:16 Doug Hardy, MECA
16:14:55 Vice Chair Pope
16:16:27 Rep. Olsen
16:17:08 Doug Hardy, MECA
16:18:19 Vice Chair Skees
16:18:32 Doug Hardy, MECA
16:19:29 Chair Zolnikov
16:20:03 Geoff Feiss, MTA
16:20:55 Chair Zolnikov

Closing by Sponsor:
16:21:12 Rep. Garner

ADJOURNMENT

16:22:58 Adjournment

_____
Robyn Brown, Secretary

rb

Additional Documents:

EXHIBIT(feh11aad.pdf)

EXHIBIT 4
DATE 01.21.19
HB 206

Testimony of Mark Johnson
General Manager
Flathead Electric Cooperative
House Federal Relations, Energy and Telecommunications Committee
January 21, 2019

Mr. Chairman, Vice Chairman Skees and Pope and members of the committee, thank you for the opportunity to testify in support of House Bill 206.

For the record, my name is Mark Johnson, general manager of Flathead Electric Cooperative.

Over three years ago, Flathead Electric was sued in State district court in Kalispell by the Seattle office of the firm Keller Rohrback. Keller Rohrback sent letters to former members of Flathead Electric pursuing a lawsuit against Flathead Electric and its capital credit program that has been in place since Flathead Electric's inception in 1937.

After over $1,000,000 of legal fees, over 60,000 pages of documents produced, and thousands of staff hours spent fighting this lawsuit, Flathead Electric prevailed in both State district court and on plaintiff appeal to the Montana State Supreme Court. The ruling by State District Court Judge Amy Eddy was very positive for Flathead Electric. The district court ruled in favor of Flathead Electric on the merits of the case, as well as denying the plaintiff's claim for class action because the plaintiff's claims were time barred.

The plaintiffs then appealed the case to the Montana State Supreme Court where the court did not rule on the merits of the case and only ruled in favor of Flathead Electric that the plaintiff's claims were time barred. With the Supreme Court ruling only on the time barred nature of the plaintiff's claims, Flathead Electric and all other Montana electric cooperatives are again susceptible to a similar lawsuit questioning the capital credit programs that were originally started as part of the Rural Electrification Act of 1935 and under the direction of the Rural Electrification Administration (now called the Rural Utilities Service). In order to ensure that

lawsuits that we believe to be without merit initiated by out-of-state lawyers do not occur in the future, Montana electric cooperatives are asking to revise MCA 35-18-316 to protect the members we all represent.

Some key areas of MCA 35-18-316 that require greater clarity are what was meant by "distributed" and "refund." When taken out of context – as they were in the litigation against Flathead Electric – they became very problematic.

The proposed revisions are not intended to bypass the courts and do not change what has been done by Montana electric cooperatives for decades; they simply clarify some unclear language that resulted in litigation with out-of-state law firms, resulting in litigation costs that exceeded a million dollars.

Flathead Electric has handled its capital credits correctly. If Flathead Electric had lost this lawsuit, it would have been forced to relinquish its equity making Flathead Electric immediately insolvent. Flathead Electric would then had to pay the Seattle law firm millions of our members' dollars.

Please support these meaningful revisions on behalf of Montana's electric cooperatives.

EXHIBIT 5
DATE 01.21.19
HB 206

Hearing on HB206

"AN ACT CLARIFYING A RURAL COOPERATIVE UTILITY'S AUTHORITY TO RETAIN AND RETIRE CAPITAL CREDITS"

Montana House Federal Relations, Energy and Telecommunications Committee
January 21, 2019

Testimony of Mark Hayden
General Manager
Missoula Electric Cooperative

Good afternoon, Chairman Zolnikov, Vice Chairs Skees and Pope and Members of the Committee. My name is Mark Hayden, and I am the General Manager of Missoula Electric Cooperative (MEC). MEC is a member-owned, not-for-profit distribution co-op serving the electric needs of approximately 15,000 meters in western Montana and eastern Idaho. I also serve as the chairman of the Montana Electric Cooperative Legislative committee, which represents the interests of all 25 of Montana's electric coops and their members.

As Mr. Johnson just explained, the bill before you is in response to out-of-state entities misinterpreting our Montana laws. The language included in Montana's existing electric and telephone enabling law was based upon model language, used by multiple states across the country, when rural electric cooperatives were forming. After 80 years on the books, HB 206 will protect cooperatives and their members by clarifying this 1939 law.

The most important aspect of this bill is to clarify the allocation and retirement cycle of patronage capital, which in the existing law uses the words "distribute" and "refund." However, as you heard from Mr. Johnson, these generic words were misinterpreted. Distributing and refunding are the allocation and retirement of capital credits and this bill clarifies that cycle in greater detail.

Here is how this cycle works. After the close of each year, patronage capital is allocated. The amount allocated is the difference between the co-ops' operating revenue and its cost of doing business. Allocation is an assignment to each member based on their patronage, or their share of electricity purchases from the cooperative. Once allocated, this patronage capital is retained by the cooperative for a period of years to form the core of a co-op's equity.

This equity is needed in large part because an electric cooperative is a very capital-intensive business. Missoula Electric alone has more than $91 million in total utility plant. Maintaining adequate core equity is critical to securing the financing necessary to construct substations, powerlines and replace aging equipment, which often has a life expectancy of over 60 years. Co-op lenders require equity through their loan covenants with the co-op to protect the lender's interests, and allocated patronage capital is the primary vehicle used to meet this requirement.

The second part of this cycle regarding patronage capital is the actual payment of that capital to the members. In the bill, the term "retirement" is used to clarify this payment. As stated in the bill, retirement is the actual payment of previously allocated patronage capital to a member, and is made at the discretion of the local electric cooperative board in a manner consistent with sound business practices. How long these allocations are retained varies by cooperative and is based on the economic condition of the cooperative. In this revolving cycle, as older allocations are retired, new ones are added. Many cooperatives also offer the option to receive a discounted early retirement outside the normal cycle in limited circumstances, but this is always at the option of the member.

The process I just explained is described in detail in member-approved bylaws of each cooperative.

In summary, the original purpose of this bill when enacted in the 1930s was to ensure that Montana's Electric Cooperatives had adequate patronage capital to maintain reliability and affordability for their members, as well as secure the financing necessary to build and expand their electric distribution systems across the state. In turn, those same cooperatives have consistently allocated and retired patronage capital in a systematic and responsible manner. That commitment was true with the old language and remains unchanged with the language clarifications in HB 206.

I urge your support, and will be glad to answer any questions you may have.

66th LEGISLATURE
2019 SESSION

Additional Documents

Business Page

Roll Call

Standing Committee Reports

Table Bills

Fiscal reports

Tabled Bills

Roll Call Votes

Proxies

Witness Statements

Informational items

Visitor Registrations

Any Document or material presented after the meeting for example@ petitions, news clippings ectara.

These documents prepared, proofed and scanned by Susie Hamilton E-Document Specialist for Senate and House for the 66th LEGISLATURE 2019 SESSION. Room 402 Capitol Hill Station, Helena Montana

BUSINESS REPORT

MONTANA HOUSE OF REPRESENTATIVES
66th LEGISLATURE - REGULAR SESSION

HOUSE ENERGY, TECHNOLOGY AND FEDERAL RELATIONS COMMITTEE

Date: Monday, January 21, 2019 **Time:** 3:00 PM
Place: Capitol **Room:** 472

BILLS and RESOLUTIONS HEARD:

HB 203 - Provide bonding for purchase of coal-fired energy generation - Rep. Rodney Garcia
HB 206 - Clarify a rural cooperative utility's authority - Rep. Frank Garner

EXECUTIVE ACTION TAKEN: None

Comments:

REP. Daniel Zolnikov, Chair

The Big Sky Country

MONTANA HOUSE OF REPRESENTATIVES

F.R.E.T. COMMITTEE

ROLL CALL

DATE: January 21, 2019

NAME	PRESENT	ABSENT/EXCUSED
CHAIR ZOLNIKOV	X	
VICE CHAIR SKEES	X	
VICE CHAIR POPE	X	
REP. CUSTER	X	
REP. DURAM	X	
REP. HAYMAN	X	
REP. OLSEN	X	
REP. STEWART PEREGOY	X	
REP. SULLIVAN	X	
REP. REDFIELD	X	
REP. DOANE	X	
REP. GALT		X

12 MEMBERS

MONTANA House of Representatives
Visitors Register
HOUSE ENERGY, TECHNOLOGY AND FEDERAL RELATIONS COMMITTEE

Monday, January 21, 2019
HB 206 - Clarify a rural cooperative utility's authority
Sponsor: **Rep. Frank Garner**

PLEASE PRINT

Name	Representing	Support	Oppose	Info
DOUG HARDY	MONTANA ELECTRIC CO-OP A	X		
MERLE RAPP	MARIAS RIVER ELECTRIC COOP	X		
Mark Johnson	Flathead Electric Cooperative	✓		
Doug GRAB	Flathead Electric Co-operative	✓		
Mark Hayden	Missoula Electric Coopert	✓		

Please leave prepared testimony with Secretary. Witness Statement forms are available if you care to submit written testimony.

MONTANA House of Representatives
Visitors Register
HOUSE ENERGY, TECHNOLOGY AND FEDERAL RELATIONS COMMITTEE

Monday, January 21, 2019
HB 203 - Provide bonding for purchase of coal-fired energy generation
Sponsor: **Rep. Rodney Garcia**

PLEASE PRINT

Name	Representing	Support	Oppose	Info
Bob Gilbert	Colstrip Rosebud Co	X		
D. Holzer	Bldg + Const Trades	X		
Amy Seaman	MT Audubon		X	
Cary Hegreberg	MT Chamber		X	
Tony O'Donnell	PSC			X
Cody Ferguson	NPRC		X	
Candace Payne	CELP, YELP, BGI & Ros	X		
Adam Haight	AFL-CIO	X		
Anne Hedges	MEIC		X	

Please leave prepared testimony with Secretary. Witness Statement forms are available if you care to submit written testimony.

MINUTES

MONTANA HOUSE OF REPRESENTATIVES
66th LEGISLATURE - REGULAR SESSION

COMMITTEE ON ENERGY, TECHNOLOGY AND FEDERAL RELATIONS

Call to Order: Chair Daniel Zolnikov, on January 23, 2019 at 3:00 PM, in Room 472 Capitol

ROLL CALL

Members Present:

Rep. Daniel Zolnikov, Chair (R)
Rep. Christopher Pope, Vice Chair (D)
Rep. Derek Skees, Vice Chair (R)
Rep. Geraldine Custer (R)
Rep. Neil Duram (R)
Rep. Denise Hayman (D)
Rep. Andrea Olsen (D)
Rep. Alan Redfield (R)
Rep. Katie Sullivan (D)

Members Excused: Rep. Alan Doane (R)
Rep. Wylie Galt (R)
Rep. Sharon Stewart Peregoy (D)

Members Absent: None

Staff Present: Robyn Brown, Committee Secretary
Sonja Nowakowski, Legislative Branch

Audio Committees: These minutes are in outline form only. They provide a list of participants and a record of official action taken by the committee. The link to the audio recording of the meeting is available on the Legislative Branch website.

Committee Business Summary:

Hearing & Date Posted: HB 241, 1/18/2019

Executive Action: HB 78, HB 206

15:02:00 Chair Zolnikov

HEARING ON HB 241

Opening Statement by Sponsor:
15:03:10 Rep. Andrea Olsen (D), HD 100, opened the hearing on HB 241, Require public utilities to report a plan for 100% renewable use.

15:04:20 Rep. Stewart Peregoy joined the meeting.

Proponents' Testimony:
15:08:12 Brian Fadie, Montana Environmental Information Center (MEIC)
15:14:03 Julian Adler, Montana Public Research Interest Group
15:17:08 Jake Brown, Montana Conservation Voters
15:18:33 Wade Sikorski, self

Opponents' Testimony:
15:21:52 David Hoffman, Northwestern Energy (NWE)
EXHIBIT(feh13a01)

15:26:25 Gary Forrester, Montana-Dakota Utilities (MDU)
15:30:55 Tom Ebezry, Avista Corporation
15:34:11 Shelby DeMars, Montana Association of Oil, Gas and Coal Counties
15:36:58 Bridger Mahlum, Montana Chamber of Commerce
15:38:07 Peggy Trenk, Treasure State Resources Association

Informational Testimony:
15:39:39 Robyn Arnold, Public Service Commission (PSC)

Questions from Committee Members and Responses:
15:40:06 Chair Zolnikov
15:41:26 David Hoffman, NWE
15:41:54 Vice Chair Skees
15:42:36 Rep. Olsen
15:45:21 Vice Chair Skees
15:45:25 Rep. Olsen
15:46:55 Vice Chair Skees
15:47:52 Rep. Olsen
15:49:08 Vice Chair Pope
15:53:44 Rep. Olsen
15:57:50 Rep. Duram
15:58:23 Rep. Olsen
15:59:45 Rep. Duram
16:00:16 Rep. Olsen
16:00:37 Chair Zolnikov
16:01:40 Rep. Olsen

Closing by Sponsor:
16:02:45 Rep. Olsen

16:05:00 The Committee recessed.
16:11:53 The Committee reconvened.

16:12:39 Chair Zolnikov

EXECUTIVE ACTION ON HB 78

16:13:00 **Motion/Vote:** Rep. Skees moved that **HB 78 DO PASS**. Motion carried 11-1 by roll call vote with Rep. Redfield voting no. Rep. Doane, Rep. Galt and Rep. Olsen voted by proxy.

EXECUTIVE ACTION ON HB 206

16:14:10 **Motion:** Rep. Skees moved that **HB 206 DO PASS**.

Discussion:
16:15:13 Rep. Redfield
16:15:28 Vice Chair Pope
16:15:45 Rep. Custer

16:16:00 **Vote:** Motion carried unanimously by voice vote. Rep. Doane, Rep. Galt and Rep. Olsen voted by proxy.

16:16:59 Vice Chair Skees
16:18:06 Vice Chair Pope
16:18:30 Chair Zolnikov

ADJOURNMENT

Adjournment: 16:19:13

_____
Robyn Brown, Secretary

rb

Additional Documents:

EXHIBIT(feh13aad.pdf)

66th LEGISLATURE
2019 SESSION

Additional Documents

Business Page

Roll Call

Standing Committee Reports

Table Bills

Fiscal reports

Tabled Bills

Roll Call Votes

Proxies

Witness Statements

Informational items

Visitor Registrations

Any Document or material presented after the meeting for example@ petitions, news clippings ectara.

These documents prepared, proofed and scanned by Susie Hamilton E-Document Specialist for Senate and House for the 66th LEGISLATURE 2019 SESSION. Room 402 Capitol Hill Station, Helena Montana

BUSINESS REPORT

MONTANA HOUSE OF REPRESENTATIVES
66th LEGISLATURE - REGULAR SESSION

HOUSE ENERGY, TECHNOLOGY AND FEDERAL RELATIONS COMMITTEE

Date: Wednesday, January 23, 2019
Place: Capitol

Time: 3:00 PM
Room: 472

BILLS and RESOLUTIONS HEARD:

HB 241 - Require public utilities to report a plan for 100% renewable use - Rep. Andrea Olsen

EXECUTIVE ACTION TAKEN:

HB 78 - Do pass
HB 206 - Do pass

Comments:

REP. Daniel Zolnikov, Chair

The Big Sky Country

MONTANA HOUSE OF REPRESENTATIVES

F.R.E.T. COMMITTEE

ROLL CALL

DATE: January 23, 2019

NAME	PRESENT	ABSENT/EXCUSED
CHAIR ZOLNIKOV	X	
VICE CHAIR SKEES	X	
VICE CHAIR POPE	X	
REP. CUSTER	X	
REP. DURAM	X	
REP. HAYMAN	X	
REP. OLSEN	X	
REP. STEWART PEREGOY		X
REP. SULLIVAN	X	
REP. REDFIELD	X	
REP. DOANE		X
REP. GALT		X

12 MEMBERS

HOUSE STANDING COMMITTEE REPORT

January 23, 2019

Mr. Speaker:

We, your committee on **Energy, Technology and Federal Relations** recommend that **House Bill 78** (first reading copy -- white) **do pass**.

Signed: _____
Representative Daniel Zolnikov, Chair

- END -

Committee Vote:
Yes 11, No 1
Fiscal Note Required __

HB0078001SC.hlc

NB
1.24

HOUSE STANDING COMMITTEE REPORT

January 23, 2019

Mr. Speaker:

We, your committee on **Energy, Technology and Federal Relations** recommend that **House Bill 206** (first reading copy -- white) **do pass**.

Signed: _____
Representative Daniel Zolnikov, Chair

- END -

Committee Vote:
Yes 12, No 0
Fiscal Note Required __

HB0206001SC.hlc

NB
.24

The Big Sky Country

MONTANA HOUSE OF REPRESENTATIVES

F.R.E.T. COMMITTEE
ROLL CALL VOTE

BILL NUMBER 78 DATE 01/23/19

MOTION DO PASS

NAME	AYE	NO	PROXY
VICE CHAIR SKEES	X		
VICE CHAIR POPE	X		
REP. CUSTER	X		
REP. DURAM	X		
REP. HAYMAN	X		
REP. OLSEN	X		X
REP. STEWART PEREGOY	X		
REP. SULLIVAN	X		
REP. REDFIELD		X	
REP. DOANE	X		X
REP. GALT	X		X
CHAIR ZOLNIKOV	X		
	11	1	

12 MEMBERS

The Big Sky Country

MONTANA HOUSE OF REPRESENTATIVES

AUTHORIZED
COMMITTEE PROXY
66TH LEGISLATIVE SESSION

I request to be excused from the F.R.E.T. Committee.

I desire to leave my proxy vote with Rep. Skees.

BILL	AYE	NO
HB78	X	
HB206	X	

BILL	AYE	NO

I authorize my vote to be matched with that of Rep._____
for any amendments proposed on this date.

Rep. [signature]
(Signature)

Date 1/23/19

s:\2019 house session\chief clerk's office\forms\proxycommitteeauthorized 2019.docx

The Big Sky Country

MONTANA HOUSE OF REPRESENTATIVES

AUTHORIZED
COMMITTEE PROXY
66TH LEGISLATIVE SESSION

I request to be excused from the FRET Committee.

I desire to leave my proxy vote with Rep. Skees.

BILL	AYE	NO
HB78	X	
HB 206	X	

BILL	AYE	NO

I authorize my vote to be matched with that of Rep. _____
for any amendments proposed on this date.

Rep. [signature] (Signature)

Date 1/23/19

S:\2019 House Session\Committee Staff\Forms\ProxyCommitteeAuthorized.docx

The Big Sky Country

MONTANA HOUSE OF REPRESENTATIVES

AUTHORIZED
COMMITTEE PROXY
66TH LEGISLATIVE SESSION

I request to be excused from the F.R.E.T. Committee.

I desire to leave my proxy vote with Rep. Pope.

BILL	AYE	NO
HB78 DP	X	
HB206 DP	X	

BILL	AYE	NO

I authorize my vote to be matched with that of Rep. _____
for any amendments proposed on this date.

Rep. Andrew Olson
(Signature)

Date JAN 23 2019

s:\2019 house session\chief clerk's office\forms\proxycommitteeauthorized 2019.docx

MONTANA House of Representatives
Visitors Register
HOUSE ENERGY, TECHNOLOGY AND FEDERAL RELATIONS COMMITTEE

Wednesday, January 23, 2019
HB 241 - Require public utilities to report a plan for 100% renewable use
Sponsor: **Rep. Andrea Olsen**

PLEASE PRINT

Name	Representing	Support	Oppose	Info
Wade Sikorski	Self	X		
Julian Adler	MontPIRG	X		
Jake Brown	Montana Conservation Voters	X		
Shelby DeMers	MT Assoc. of Oil, Gas, + Coal Counties		X	
GARY FORRESTER	MDU		X	
Brian Fadie	MEIC	X		
Tom Ebzery	Avista		X	
Peggy Trew	TSRA		X	
Bridger Mahlum	MT Chamber Commerce		X	
Barb Oldershaw	MREA	X		
Cameron Tehranchi	NPRC	X		

Please leave prepared testimony with Secretary. Witness Statement forms are available if you care to submit written testimony.

HOUSE JOURNAL
66TH LEGISLATURE
SIXTEENTH LEGISLATIVE DAY

Helena, Montana — House Chambers
January 28, 2019 — State Capitol

House convened at 1:00 p.m. Mr. Speaker presiding. Invocation by Representative Ryan. Pledge of Allegiance to the Flag.

Roll Call. All members present, except Representatives Mortensen and Windy Boy, excused. Quorum present.

BILLS (Ricci, Chair): 2/28/2019

Correctly printed: **HB 29**, **HB 50**, **HB 51**, **HB 55**, **HB 59**, **HB 64**, **HB 66**, **HB 73**, **HB 91**, **HB 102**, **HB 107**, **HB 123**, **HB 124**, **HB 126**, **HB 136**, **HB 151**, **HB 160**, **HB 166**, **HB 175**, **HB 183**, **HB 198**, **HB 234**, **HB 244**, **HB 245**, **HB 296**, **HB 297**, **HB 298**, **HB 299**, **HB 301**.
Transmitted to the Senate: **HB 55**, **HB 73**, **HB 123**, **HB 124**, **HB 136**, **HB 175**, **HB 198**.
Signed by the President at 8:45 a.m., January 28, 2019: **HB 1**.
Delivered to the Governor for approval at 10:40 a.m., January 28, 2019: **HB 1**.

LEGISLATIVE ADMINISTRATION (Ricci, Chair): 1/28/2019

MR. SPEAKER:
We, your committee on Legislative Administration recommend employment of the following pages of the House cease as of 5:00 p.m., Friday, January 25, 2019:

Dana Baskett, Livingston
Athena Haka, Broadview
Nicholas Konen, Fairfield
Anne Marie Luehr, Helena
Tom Melgren, Helena
Trevor Westervelt, Columbus

and recommend that the following pages of the House be employed as of 1:00 p.m., Monday, January 28, 2019:

Jason Hernandez, Bozeman
Hannah Musczkiewicz, Helena
Thomas Penley, Helena
Cael Ricci, Billings

Report Adopted.

REPORTS OF STANDING COMMITTEES

BUSINESS AND LABOR (Noland, Chair): 1/25/2019
HB 35, introduced bill, be amended as follows:

1. Title, page 1, line 10.
Following: "16-4-204,"
Insert: "16-4-207,"

2. Title, page 1, line 12.
Following: "IMMEDIATE EFFECTIVE DATE"
Insert: "AND A RETROACTIVE APPLICABILITY DATE"

3. Page 1, line 17.
Following: "(1)"
Insert: "(a)"

4. Page 1, line 19.
Following: "apply for the license."
Insert: "The department shall use a competitive bidding process when:

(i) a new license becomes available in a quota area where a license of the same type is not currently available in the quota area;

(ii) the opportunity to transfer a license into a quota area becomes available where a license of the same type is not currently available in the quota area;

(iii) the lapse, revocation, or issuance of a license within the quota area where the license is located has created the last remaining license for that license type in the quota area; or

(iv) the department's denial of an application for licensure or an applicant's withdrawal of an application for licensure has created the last remaining license for that license type in a quota area.

(b)"

5. Page 1, line 20.
Strike: "(a)"
Insert: "(i)"
Renumber: subsequent subsections

6. Page 1, line 26.
Following: "(2)"
Insert: "(a)"

7. Page 1, line 27.
Strike: "(a)"
Insert: "(i)"
Renumber: subsequent subsections

8. Page 1, line 29.
Following: "bid amount."
Insert: "The financial institution may issue the irrevocable letter of credit in the name of the bidder, if the bidder is a business entity, or in the name of an individual who is an owner of the business entity."

9. Page 1.
Following: line 29
Insert: "(b) The department shall contact any bidder whose timely submitted bid form has a deficiency and shall provide that bidder with an opportunity to resubmit the bid form within 5 business days to correct any deficiency."

10. Page 2, line 4.
Following: "bid amount."
Insert: "The financial institution may issue the irrevocable letter of credit in the name of the bidder, if the bidder is a business entity, or in the name of an individual who is an owner of the business entity."

11. Page 2, line 25.
Strike: "5 years"
Insert: "1 year"

12. Page 2, line 27.
Following: "proposes a location for the license"
Insert: "within the first year of operation"

13. Page 3, lines 7 through 8.
Following: "A license issued under this section is not"
Strike: "a qualification" on line 7 through "issued pursuant to this section" on line 8
Insert: "eligible to offer gambling under Title 23, chapter 5, part 3, 5, or 6"

14. Page 4, line 7.
Following: "boundary of the city of town."
Insert: "A license that is restricted by quota limitations in this section may not be located farther than:

(i) the county boundary within which the incorporated city or incorporated town is located; or

(ii) the line that separates the incorporated city's or incorporated town's boundary from another incorporated city or incorporated town as specified in this section."

15. Page 4.
Following: line 21
Insert: "(C) In the Polson and Ronan quota areas, the straight line will be drawn from U.S. highway 93 west on Pablo West road to the quota area boundary and east on Clairmont road extending out to the quota area boundary. Any license existing as of November 24, 2017,

within the Polson quota area will become a Polson license, regardless of where it falls in the new quota areas. Any license existing as of November 24, 2017, within the Ronan quota area will become a Ronan license, regardless of where it falls in the new quota areas."

16. Page 5, line 5.
Strike: "(6)"
Insert: "(7)"

17. Page 5, line 9.
Following: "existing licenses"
Insert: "or licenses that resulted from applications in process"

18. Page 5, line 11.
Following: "were part of"
Strike: "a"
Insert: "the"

19. Page 6.
Following: line 26
Insert: "(5) Except as provided in subsection (2)(b), when more than one new beer license becomes available at the same time in the same quota area, the department shall conduct a separate competitive bidding process at separate times for each available license."
Renumber: subsequent subsections

20. Page 7, line 7 through line 8.
Strike: subsection (7) in its entirety
Insert: "(8) An applicant for a license issued through a competitive bidding process in [section 1] shall pay a $25,000 new license fee and in subsequent years pay the annual fee for the license as provided in 16-4-501."

21. Page 10, line 27.
Following: "boundary of the city or town."
Insert: "A license that is restricted by quota limitations in this section may not be located farther than:

(a) the county boundary within which the incorporated city or incorporated town is located; or

(b) the line that separates the incorporated city's or incorporated town's boundary from another incorporated city or incorporated town as specified in this section."

22. Page 11.
Following: line 11
Insert: "(iii) In the Polson and Ronan quota areas, the straight line will be drawn from U.S. highway 93 west on Pablo West road to the quota area boundary and east on Clairmont road extending out to the quota area boundary. Any license existing as of November 24, 2017,

within the Polson quota area will become a Polson license, regardless of where it falls in the new quota areas. Any license existing as of November 24, 2017, within the Ronan quota area will become a Ronan license, regardless of where it falls in the new quota areas."

23. Page 11, line 12.
Following: "existing licenses"
Insert: "or licenses that resulted from applications in process"

24. Page 11, line 14.
Following: "were part of"
Strike: "a"
Insert: "the"

25. Page 11.
Following: line 19
Insert: "(6) Except as provided in subsection (5), when more than one new all-beverages license becomes available at the same time in the same quota area, the department shall conduct a separate competitive bidding process at separate times for each available license."
Renumber: subsequent subsections

26. Page 12, line 3.
Following: "under subsection"
Strike: "(8)"
Insert: "(9)"

27. Page 17.
Following: line 3
Insert: "Section 5. Section 16-4-207, MCA, is amended to read:

"16-4-207. Notice of application -- investigation -- publication -- protest. (1) When an application has been filed with the department for a license to sell alcoholic beverages at retail or to transfer the location of a retail license, the department shall review the application for completeness and, based upon review of the application and any other information supplied to the department, determine whether the applicant or the premises to be licensed meets criteria provided by law. The department may make one request for additional information necessary to complete the application. The application is considered complete when the applicant furnishes the application information requested by the department. When the application is complete, the department of justice shall investigate the application as provided in 16-4-402. When the department determines that an application for a license under this code is complete, the department shall publish in a newspaper of general circulation in the city, town, or county from which the application comes a notice that the applicant has made application for a retail on-premises license or a transfer of location and that protests may be made against the approval of the application by residents of the county from which the application comes, residents of adjoining Montana counties, or residents of adjoining counties in another state if the criteria in subsection (4)(d) are met. Protests must be mailed to the department within 10 days after the final notice is published. Notice of application for

a new license must be published once a week for 4 consecutive weeks. Notice of application for transfer of ownership or location of a license must be published once a week for 2 consecutive weeks. Notice may be substantially in the following form:

NOTICE OF APPLICATION FOR RETAIL
ALL-BEVERAGES LICENSE

Notice is given that on the ..... day of ....., 20..., one (name of applicant) filed an application for a retail all-beverages license with the Montana department of revenue to be used at (describe location of premises where beverages are to be sold). Residents of ..... counties may protest against the approval of the application. Each protestor is required to mail a letter that contains in legible print the protestor's full name, mailing address, and street address. Each letter must be signed by the protestor. A protest petition bearing the names and signatures of persons opposing the approval of an application may not be considered as a protest. Protests may be mailed to ....., department of revenue, Helena, Montana, on or before the ..... day of ....., 20.....

Dated .....

Signed
.....

(2) Each applicant shall, at the time of filing an application, pay to the department an amount sufficient to cover the costs of publishing the notice.

(3) (a) If the department receives no written protests, the department may approve the application without holding a public hearing.

(b) A response to a notice of opportunity to protest an application may not be considered unless the response is a letter satisfying all the requirements contained in the notice in subsection (1).

(c) If the department receives sufficient written protests that satisfy the requirements in subsection (1) against the approval of the application, the department shall hold a public hearing as provided in subsection (4).

(4) (a) If the department receives at least one protest but less than the number of protests required for a public convenience and necessity determination as specified in subsection (4)(c), the department shall schedule a public hearing to be held in Helena, Montana, to determine whether the protest presents sufficient cause to deny the application based on the qualifications of the applicant as provided in 16-4-401 or on the grounds for denial of an application provided for in 16-4-405, exclusive of public convenience and necessity. The hearing must be governed by the provisions of Title 2, chapter 4, part 6.

(b) If the department receives the number of protests required for a public convenience and necessity determination as specified in subsection (4)(c) and the application is for an original license or for a transfer of location, the department shall schedule a public hearing to be held in the county of the proposed location of the license to determine whether the protest presents sufficient cause to deny the application based on the qualifications of the applicant as provided in 16-4-401 or on the grounds for denial of an application provided for in 16-4-405 including public convenience and necessity. The hearing must be governed by the provisions of Title 2, chapter 4, part 6.

(c) The minimum number of protests necessary to initiate a public hearing to determine whether an application satisfies the requirements for public convenience and necessity, as specified in 16-4-203, for the proposed premises located within a quota area described in 16-4-201 must be 25% of the quota for all-beverages licenses determined for that quota area according to 16-4-201(1), (2), and ~~(8)~~ (9) but in no case less than two. The minimum number of protests determined in this manner will apply only to applications for either on-premises consumption beer

or all-beverages licenses.

(d) A resident of a county in another state that adjoins the county in Montana from which an application comes may protest an application only if the county or state of residence of the person has certified to the department that a similarly situated Montana resident would be able to make formal protest of a liquor license application in that state or county. The department may, by rule, establish how the certification is to be made.""

Renumber: subsequent sections

28. Page 17, line 11.
Strike: "(5)"
Insert: "(6)"

29. Page 23, line 13.
Strike: "(13)"
Insert: "(14)"

30. Page 25, line 19.
Following: "each city or town."
Insert: "A license that is restricted by quota limitations in this section may not be located farther than:

(A) the county boundary within which the incorporated city or incorporated town is located; or

(B) the line that separates the incorporated city's or incorporated town's boundary from another incorporated city or incorporated town as specified in this section."

31. Page 25.
Following: line 30
Insert: "(C) In the Polson and Ronan quota areas, the straight line will be drawn from U.S. highway 93 west on Pablo West road to the quota area boundary and east on Clairmont road extending out to the quota area boundary. Any license existing as of November 24, 2017, within the Polson quota area will become a Polson license, regardless of where it falls in the new quota areas. Any license existing as of November 24, 2017, within the Ronan quota area will become a Ronan license, regardless of where it falls in the new quota areas."

32. Page 26, line 6.
Following: "were part of"
Strike: "a"
Insert: "the"

33. Page 26.
Following: line 10
Insert: "(10) Except as provided in subsection (9)(b), when more than one new restaurant beer and wine license becomes available at the same time in the same quota area, the department

shall conduct a separate competitive bidding process at separate times for each available license."
Renumber: subsequent subsections

34. Page 26, line 16.
Strike: "(10)"
Insert: "(11)"

35. Page 34, line 9 through line 10.
Following: "[section 1]"
Strike: "may not offer gambling"
Insert: "is not eligible to offer gambling under Title 23, chapter 5, part 3, 5, or 6"

36. Page 34.
Following: line 18
Insert: "NEW SECTION. **Section 14. Retroactive applicability.** [This act] applies retroactively, within the meaning of 1-2-109, to existing licenses or licenses that resulted from applications in process for alcohol licenses as of November 24, 2017."

And, as amended, do pass. Report adopted.

MESSAGES FROM THE SENATE

Senate bills passed and transmitted to the House for concurrence: 1/24/2019

SB 41, introduced by T. Richmond
SB 76, introduced by B. Hoven

FIRST READING AND COMMITMENT OF BILLS

The following House bills were introduced, read first time, and referred to committees:

HB 302, introduced by G. DeVries, B. Beard, B. Brown, T. Burnett, A. Doane, D. Dunn, N. Duram, J. Fuller, R. Garcia, C. Glimm, S. Greef, C. Knudsen, R. Knudsen, T. Manzella, M. Noland, J. Read, A. Redfield, D. Skees, P. Webb, referred to Judiciary.
HB 303, introduced by G. DeVries, C. Knudsen, referred to Education.
HB 304, introduced by S. Morigeau, referred to Judiciary.
HB 305, introduced by T. Winter, W. McKamey, C. Schreiner, referred to State Administration.
HB 306, introduced by B. Usher, N. Duram, F. Fleming, F. Garner, referred to Judiciary.
HB 307, introduced by J. Bachmeier, G. Custer, J. Krautter, S. Malek, W. McKamey, referred to State Administration.
HB 308, introduced by J. Bachmeier, G. Custer, J. Krautter, S. Malek, referred to State Administration.
HB 309, introduced by K. Dudik, D. Sands, referred to Judiciary.

HB 310, introduced by D. Hayman, K. Abbott, K. Dudik, J. Ellis, J. Hamilton, J. Krotkov, W. Sales, referred to State Administration.
HB 311, introduced by K. White, Z. Brown, referred to Fish, Wildlife and Parks.
HB 312, introduced by M. Dunwell, F. Anderson, M. Caferro, G. Custer, R. Farris-Olsen, D. Fern, J. Hamilton, J. Krautter, A. Olsen, G. Pierson, T. Runningwolf, M. Weatherwax, E. McClafferty, referred to Business and Labor.
HB 313, introduced by A. Olsen, K. Abbott, J. Bachmeier, B. Bessette, M. Caferro, M. Dunwell, R. Farris-Olsen, D. Fern, M. Funk, B. Hamlett, D. Harvey, D. Hayman, C. Keogh, J. Krautter, R. Lynch, M. Marler, D. Mortensen, R. Peppers, T. Runningwolf, B. Smith, S. Stewart Peregoy, M. Weatherwax, T. Winter, referred to Business and Labor.
HB 314, introduced by T. Woods, D. Zolnikov, referred to Energy, Technology and Federal Relations.
HB 315, introduced by J. Keane, referred to Appropriations.
HB 316, introduced by K. White, B. Hamlett, M. Hopkins, referred to State Administration.
HB 317, introduced by J. Keane, referred to Legislative Administration.
HB 318, introduced by F. Garner, referred to State Administration.
HB 319, introduced by T. Winter, referred to State Administration.
HB 320, introduced by B. Mercer, referred to Business and Labor.
HB 321, introduced by F. Anderson, referred to Local Government.

The following House joint resolutions were introduced, read first time, and referred to committees:

HJR 8, introduced by K. Dudik, F. Anderson, D. Ankney, D. Bedey, S. Berglee, K. Bogner, E. Buttrey, N. Duram, J. Fuller, F. Garner, T. Gauthier, W. McKamey, A. Olszewski, G. Pierson, D. Sands, R. Shaw, F. Smith, M. Weatherwax, referred to State Administration.
HJR 9, introduced by K. Kelker, referred to Human Services.

The following Senate bills were introduced, read first time, and referred to committees:

SB 41, introduced by T. Richmond (by request of the Department of Natural Resources and Conservation), referred to Natural Resources.
SB 76, introduced by B. Hoven (by request of the Department of Transportation), referred to Transportation.

SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)

Majority Leader Tschida moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative Skees in the chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

HB 115 - Majority Leader Tschida moved consideration of **HB 115** be passed for the day. Without objection, so ordered.

HB 37 - Representative Loge moved **HB 37** do pass. Motion carried as follows:

Yeas: Abbott, Anderson, Bachmeier, Bahr, Ballance, Bartel, Beard, Bedey, Berglee, Bessette, Bishop, Brown B, Brown Z, Burnett, Buttrey, Caferro, Curdy, Custer, DeVries, Dooling, Dudik, Dunn, Dunwell, Duram, Farris-Olsen, Fern, Fitzgerald, Fleming, Fuller, Funk, Galloway, Galt, Garcia, Garner, Glimm, Greef, Grubbs, Gunderson, Hamilton, Hamlett, Harvey, Hayman, Holmlund, Hopkins, Jones, Karjala, Kassmier, Keane, Kelker, Keogh, Kerr-Carpenter, Knudsen C, Knudsen R, Krautter, Krotkov, Lenz, Loge, Lynch, Mandeville, Manzella, Marler, McKamey, Mercer, Moore E, Moore T, Morigeau, Mortensen, Olsen, Peppers, Perry, Pierson, Pope, Read, Redfield, Regier, Ricci, Runningwolf, Ryan, Sales, Schreiner, Shaw, Skees, Smith, Stewart Peregoy, Sullivan, Sweeney, Tschida, Usher, Vinton, Weatherwax, Webb, Welch, White, Windy Boy, Winter, Woods, Zolnikov, Mr. Speaker.
Total 98

Nays: Doane, Noland.
Total 2

Voted absentee: Mortensen, Windy Boy, Aye.

Excused: Mortensen, Windy Boy.
Total 2

Absent or not voting: None.
Total 0

HB 47 - Representative T. Moore moved **HB 47** do pass. Motion carried as follows:

Yeas: Abbott, Anderson, Bachmeier, Bahr, Ballance, Bartel, Beard, Bedey, Berglee, Bessette, Bishop, Brown B, Brown Z, Burnett, Buttrey, Caferro, Curdy, Custer, DeVries, Doane, Dooling, Dudik, Dunn, Dunwell, Duram, Farris-Olsen, Fern, Fitzgerald, Fleming, Fuller, Funk, Galloway, Galt, Garcia, Garner, Glimm, Greef, Grubbs, Gunderson, Hamilton, Hamlett, Harvey, Hayman, Holmlund, Hopkins, Jones, Karjala, Kassmier, Keane, Kelker, Keogh, Kerr-Carpenter, Knudsen C, Knudsen R, Krautter, Krotkov, Lenz, Loge, Lynch, Mandeville, Manzella, Marler, McKamey, Mercer, Moore E, Moore T, Morigeau, Mortensen, Noland, Olsen, Peppers, Perry, Pierson, Pope, Read, Redfield, Regier, Ricci, Runningwolf, Ryan, Sales, Schreiner, Shaw, Skees, Smith, Stewart Peregoy, Sullivan, Sweeney, Tschida, Usher, Vinton, Weatherwax, Webb, Welch, White, Windy Boy, Winter, Zolnikov, Mr. Speaker.
Total 99

Nays: Woods.
Total 1

Voted absentee: Mortensen, Windy Boy, Aye.

Excused: Mortensen, Windy Boy.
Total 2

Absent or not voting: None.
Total 0

HB 56 - Representative Keane moved **HB 56** do pass. Motion carried as follows:

Yeas: Abbott, Anderson, Bachmeier, Bahr, Ballance, Bartel, Beard, Bedey, Berglee, Bessette, Bishop, Brown B, Brown Z, Burnett, Buttrey, Caferro, Curdy, Custer, DeVries, Doane, Dooling, Dudik, Dunn, Dunwell, Duram, Farris-Olsen, Fern, Fitzgerald, Fleming, Fuller, Funk, Galloway, Galt, Garcia, Garner, Glimm, Greef, Grubbs, Gunderson, Hamilton, Hamlett, Harvey, Hayman, Holmlund, Hopkins, Jones, Karjala, Kassmier, Keane, Kelker, Keogh, Kerr-Carpenter, Knudsen C, Knudsen R, Krautter, Krotkov, Lenz, Loge, Lynch, Mandeville, Manzella, Marler, McKamey, Mercer, Moore E, Moore T, Morigeau, Mortensen, Noland, Olsen, Peppers, Perry, Pierson, Pope, Read, Redfield, Regier, Ricci, Runningwolf, Ryan, Sales, Schreiner, Shaw, Skees, Smith, Stewart Peregoy, Sullivan, Sweeney, Tschida, Usher, Vinton, Weatherwax, Webb, Welch, White, Windy Boy, Winter, Woods, Zolnikov, Mr. Speaker.
Total 100

Nays: None.
Total 0

Voted absentee: Mortensen, Windy Boy, Aye.

Excused: Mortensen, Windy Boy.
Total 2

Absent or not voting: None.
Total 0

HB 78 - Representative Perry moved **HB 78** do pass. Motion carried as follows:

Yeas: Abbott, Anderson, Bachmeier, Bahr, Ballance, Bartel, Beard, Bedey, Berglee, Bessette, Bishop, Brown B, Brown Z, Buttrey, Caferro, Curdy, Custer, Dooling, Dudik, Dunn, Dunwell, Duram, Farris-Olsen, Fern, Fitzgerald, Fleming, Funk, Galloway, Garcia, Garner, Greef, Grubbs, Gunderson, Hamilton, Hamlett, Harvey, Hayman, Holmlund, Hopkins, Jones, Karjala, Keane, Kelker, Keogh, Kerr-Carpenter, Knudsen R, Krautter, Krotkov, Lenz, Loge, Lynch, Mandeville, Manzella, Marler, McKamey, Moore E, Moore T, Morigeau, Mortensen, Olsen, Peppers, Perry, Pierson, Pope, Read, Regier, Ricci, Runningwolf, Ryan, Sales, Schreiner, Shaw, Skees, Smith, Stewart Peregoy, Sullivan, Sweeney, Usher, Vinton, Weatherwax, Webb, Welch, White, Windy Boy, Winter, Woods, Zolnikov, Mr. Speaker.
Total 88

Nays: Burnett, DeVries, Doane, Fuller, Galt, Glimm, Kassmier, Knudsen C, Mercer, Noland, Redfield, Tschida.
Total 12

Voted absentee: Mortensen, Windy Boy, Aye.

Excused: Mortensen, Windy Boy.
Total 2

Absent or not voting: None.
Total 0

HB 110 - Representative Lynch moved **HB 110** do pass. Motion carried as follows:

Yeas: Abbott, Anderson, Bachmeier, Bahr, Ballance, Bartel, Beard, Bedey, Berglee, Bessette, Bishop, Brown B, Brown Z, Burnett, Buttrey, Caferro, Curdy, Custer, DeVries, Doane, Dooling, Dudik, Dunn, Dunwell, Duram, Farris-Olsen, Fern, Fitzgerald, Fleming, Fuller, Funk, Galloway, Galt, Garcia, Garner, Glimm, Greef, Grubbs, Gunderson, Hamilton, Hamlett, Harvey, Hayman, Holmlund, Hopkins, Jones, Karjala, Kassmier, Keane, Kelker, Keogh, Knudsen C, Knudsen R, Krautter, Krotkov, Lenz, Loge, Lynch, Mandeville, Manzella, Marler, McKamey, Mercer, Moore T, Morigeau, Mortensen, Noland, Olsen, Peppers, Perry, Pierson, Pope, Read, Redfield, Regier, Ricci, Runningwolf, Ryan, Sales, Schreiner, Shaw, Skees, Smith, Stewart Peregoy, Sullivan, Sweeney, Tschida, Usher, Weatherwax, Webb, Welch, White, Windy Boy, Winter, Woods, Zolnikov, Mr. Speaker.
Total 97

Nays: Kerr-Carpenter, Moore E, Vinton.
Total 3

Voted absentee: Mortensen, Windy Boy, Aye.

Excused: Mortensen, Windy Boy.
Total 2

Absent or not voting: None.
Total 0

HB 119 - Representative Loge moved **HB 119** do pass. Motion carried as follows:

Yeas: Abbott, Bachmeier, Bahr, Ballance, Bedey, Bessette, Bishop, Brown Z, Burnett, Caferro, Curdy, Custer, Dudik, Dunwell, Duram, Farris-Olsen, Fern, Fitzgerald, Fuller, Funk, Garcia, Garner, Grubbs, Gunderson, Hamilton, Hamlett, Harvey, Hayman, Holmlund, Jones, Karjala, Keane, Kelker, Keogh, Kerr-Carpenter, Krotkov, Loge, Lynch, Mandeville, Marler, McKamey, Mercer, Moore T, Morigeau, Olsen, Peppers, Perry, Pierson, Pope, Read, Runningwolf, Ryan,

Sales, Schreiner, Shaw, Smith, Stewart Peregoy, Sullivan, Sweeney, Weatherwax, Welch, Windy Boy, Winter, Woods.
Total 64

Nays: Anderson, Bartel, Beard, Berglee, Brown B, Buttrey, DeVries, Doane, Dooling, Dunn, Fleming, Galloway, Galt, Glimm, Greef, Hopkins, Kassmier, Knudsen C, Knudsen R, Krautter, Lenz, Manzella, Moore E, Mortensen, Noland, Redfield, Regier, Ricci, Skees, Tschida, Usher, Vinton, Webb, White, Zolnikov, Mr. Speaker.
Total 36

Voted absentee: Windy Boy, Aye; Mortensen, No.

Excused: Mortensen, Windy Boy.
Total 2

Absent or not voting: None.
Total 0

HB 145 - Representative Zolnikov moved **HB 145** do pass. Motion carried as follows:

Yeas: Anderson, Bachmeier, Bahr, Ballance, Bartel, Beard, Bedey, Berglee, Bessette, Bishop, Brown B, Brown Z, Burnett, Buttrey, Curdy, Custer, DeVries, Doane, Dooling, Dudik, Dunn, Dunwell, Duram, Farris-Olsen, Fern, Fitzgerald, Fleming, Fuller, Funk, Galloway, Galt, Garcia, Garner, Glimm, Greef, Grubbs, Gunderson, Hamilton, Hamlett, Harvey, Hayman, Holmlund, Hopkins, Jones, Karjala, Kassmier, Kelker, Keogh, Knudsen C, Knudsen R, Krautter, Krotkov, Lenz, Loge, Lynch, Mandeville, Manzella, Marler, McKamey, Mercer, Moore E, Moore T, Morigeau, Mortensen, Noland, Peppers, Perry, Pierson, Pope, Read, Redfield, Regier, Ricci, Runningwolf, Sales, Shaw, Skees, Smith, Stewart Peregoy, Sullivan, Sweeney, Tschida, Usher, Vinton, Weatherwax, Webb, Welch, White, Windy Boy, Winter, Woods, Zolnikov, Mr. Speaker.
Total 93

Nays: Abbott, Caferro, Keane, Kerr-Carpenter, Olsen, Ryan, Schreiner.
Total 7

Voted absentee: Mortensen, Windy Boy, Aye.

Excused: Mortensen, Windy Boy.
Total 2

Absent or not voting: None.
Total 0

HB 155 - Representative C. Knudsen moved **HB 155** do pass. Motion carried as follows:

Yeas: Abbott, Anderson, Bachmeier, Bahr, Ballance, Bartel, Beard, Bedey, Berglee, Bessette,

Bishop, Brown B, Brown Z, Burnett, Buttrey, Caferro, Curdy, Custer, DeVries, Doane, Dooling, Dudik, Dunn, Dunwell, Duram, Farris-Olsen, Fern, Fitzgerald, Fleming, Fuller, Funk, Galloway, Galt, Garcia, Garner, Glimm, Greef, Grubbs, Gunderson, Hamilton, Hamlett, Harvey, Hayman, Holmlund, Hopkins, Jones, Karjala, Kassmier, Keane, Kelker, Keogh, Kerr-Carpenter, Knudsen C, Knudsen R, Krautter, Krotkov, Lenz, Loge, Lynch, Mandeville, Manzella, Marler, McKamey, Mercer, Moore E, Moore T, Morigeau, Mortensen, Noland, Olsen, Peppers, Perry, Pierson, Pope, Read, Redfield, Regier, Ricci, Runningwolf, Sales, Schreiner, Shaw, Skees, Smith, Stewart Peregoy, Sullivan, Sweeney, Tschida, Usher, Vinton, Weatherwax, Webb, Welch, White, Windy Boy, Winter, Woods, Zolnikov, Mr. Speaker.
Total 99

Nays: Ryan.
Total 1

Voted absentee: Mortensen, Windy Boy, Aye.

Excused: Mortensen, Windy Boy.
Total 2

Absent or not voting: None.
Total 0

HB 206 - Representative Garner moved **HB 206** do pass. Motion carried as follows:

Yeas: Abbott, Anderson, Bachmeier, Bahr, Ballance, Bartel, Beard, Bedey, Berglee, Bessette, Bishop, Brown B, Brown Z, Burnett, Buttrey, Caferro, Curdy, Custer, DeVries, Doane, Dooling, Dudik, Dunn, Dunwell, Duram, Farris-Olsen, Fern, Fitzgerald, Fleming, Fuller, Funk, Galloway, Galt, Garcia, Garner, Glimm, Greef, Grubbs, Gunderson, Hamilton, Hamlett, Harvey, Hayman, Holmlund, Hopkins, Jones, Karjala, Kassmier, Keane, Kelker, Keogh, Kerr-Carpenter, Knudsen C, Knudsen R, Krautter, Krotkov, Lenz, Loge, Lynch, Mandeville, Manzella, Marler, McKamey, Mercer, Moore E, Moore T, Morigeau, Mortensen, Noland, Olsen, Peppers, Perry, Pierson, Pope, Read, Redfield, Regier, Ricci, Runningwolf, Ryan, Sales, Schreiner, Shaw, Skees, Smith, Stewart Peregoy, Sullivan, Sweeney, Tschida, Usher, Vinton, Weatherwax, Webb, Welch, White, Windy Boy, Winter, Woods, Zolnikov, Mr. Speaker.
Total 100

Nays: None.
Total 0

Voted absentee: Mortensen, Windy Boy, Aye.

Excused: Mortensen, Windy Boy.
Total 2

Absent or not voting: None.
Total 0

HB 237 - Representative Krotkov moved **HB 237** do pass. Motion carried as follows:

Yeas: Abbott, Anderson, Bachmeier, Bahr, Ballance, Bedey, Bessette, Bishop, Brown Z, Buttrey, Caferro, Curdy, Custer, Dudik, Dunwell, Duram, Farris-Olsen, Fern, Fitzgerald, Fuller, Funk, Garcia, Garner, Grubbs, Hamilton, Hamlett, Harvey, Hayman, Holmlund, Jones, Karjala, Keane, Kelker, Keogh, Kerr-Carpenter, Krautter, Krotkov, Loge, Lynch, Marler, McKamey, Moore E, Moore T, Morigeau, Olsen, Peppers, Perry, Pierson, Pope, Read, Ricci, Runningwolf, Ryan, Sales, Schreiner, Shaw, Smith, Stewart Peregoy, Sullivan, Sweeney, Tschida, Usher, Weatherwax, Windy Boy, Winter, Woods.
Total 66

Nays: Bartel, Beard, Berglee, Brown B, Burnett, DeVries, Doane, Dooling, Dunn, Fleming, Galloway, Galt, Glimm, Greef, Gunderson, Hopkins, Kassmier, Knudsen C, Knudsen R, Lenz, Mandeville, Manzella, Mercer, Mortensen, Noland, Redfield, Regier, Skees, Vinton, Webb, Welch, White, Zolnikov, Mr. Speaker.
Total 34

Voted absentee: Windy Boy, Aye; Mortensen, No.

Excused: Mortensen, Windy Boy.
Total 2

Absent or not voting: None.
Total 0

HJR 5 - Representative Dudik moved **HJR 5** do pass. Motion carried as follows:

Yeas: Abbott, Anderson, Bachmeier, Bahr, Ballance, Bartel, Bedey, Berglee, Bessette, Bishop, Brown B, Brown Z, Burnett, Buttrey, Caferro, Curdy, Custer, DeVries, Doane, Dooling, Dudik, Dunn, Dunwell, Duram, Farris-Olsen, Fern, Fitzgerald, Fleming, Fuller, Funk, Galloway, Galt, Garcia, Garner, Greef, Grubbs, Gunderson, Hamilton, Hamlett, Harvey, Hayman, Holmlund, Hopkins, Jones, Karjala, Kassmier, Keane, Kelker, Keogh, Kerr-Carpenter, Knudsen C, Krautter, Krotkov, Lenz, Loge, Lynch, Manzella, McKamey, Mercer, Moore E, Moore T, Morigeau, Mortensen, Olsen, Peppers, Perry, Pierson, Pope, Read, Regier, Ricci, Runningwolf, Ryan, Sales, Schreiner, Shaw, Skees, Smith, Stewart Peregoy, Sullivan, Sweeney, Usher, Vinton, Weatherwax, Webb, Welch, White, Windy Boy, Winter, Woods, Zolnikov, Mr. Speaker.
Total 92

Nays: Beard, Glimm, Knudsen R, Mandeville, Noland, Redfield, Tschida.
Total 7

Voted absentee: Mortensen, Windy Boy, Aye.

Excused: Mortensen, Windy Boy.
Total 2

Absent or not voting: Marler.
Total 1

SB 62 - Representative Holmlund moved **SB 62** be concurred in. Motion carried as follows:

Yeas: Abbott, Anderson, Bachmeier, Bahr, Ballance, Bartel, Beard, Bedey, Berglee, Bessette, Bishop, Brown B, Brown Z, Burnett, Buttrey, Caferro, Curdy, Custer, DeVries, Doane, Dooling, Dudik, Dunn, Dunwell, Duram, Farris-Olsen, Fern, Fitzgerald, Fleming, Fuller, Funk, Galloway, Galt, Garcia, Garner, Glimm, Greef, Grubbs, Gunderson, Hamilton, Hamlett, Harvey, Hayman, Holmlund, Hopkins, Jones, Karjala, Kassmier, Keane, Kelker, Keogh, Kerr-Carpenter, Knudsen C, Knudsen R, Krautter, Krotkov, Lenz, Loge, Lynch, Mandeville, Manzella, Marler, McKamey, Mercer, Moore E, Moore T, Morigeau, Mortensen, Noland, Olsen, Peppers, Perry, Pierson, Pope, Read, Redfield, Regier, Ricci, Runningwolf, Ryan, Sales, Schreiner, Shaw, Skees, Smith, Stewart Peregoy, Sullivan, Sweeney, Tschida, Usher, Vinton, Weatherwax, Webb, Welch, White, Windy Boy, Winter, Woods, Zolnikov, Mr. Speaker.
Total 100

Nays: None.
Total 0

Voted absentee: Mortensen, Windy Boy, Aye.

Excused: Mortensen, Windy Boy.
Total 2

Absent or not voting: None.
Total 0

Majority Leader Tschida moved the Committee rise and report. Motion carried. Committee arose. House resumed. Mr. Speaker presiding. Chair Skees moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Abbott, Anderson, Bachmeier, Bahr, Ballance, Bartel, Beard, Bedey, Berglee, Bessette, Bishop, Brown B, Brown Z, Burnett, Buttrey, Caferro, Curdy, Custer, DeVries, Doane, Dooling, Dudik, Dunn, Dunwell, Duram, Farris-Olsen, Fern, Fitzgerald, Fleming, Fuller, Funk, Galloway, Galt, Garcia, Garner, Glimm, Greef, Grubbs, Gunderson, Hamilton, Hamlett, Harvey, Hayman, Holmlund, Hopkins, Jones, Karjala, Kassmier, Keane, Kelker, Keogh, Kerr-Carpenter, Knudsen C, Knudsen R, Krautter, Krotkov, Lenz, Loge, Lynch, Mandeville, Manzella, Marler, McKamey, Mercer, Moore E, Moore T, Morigeau, Noland, Olsen, Peppers, Perry, Pierson, Pope, Read, Redfield, Regier, Ricci, Runningwolf, Ryan, Sales, Schreiner, Shaw, Smith, Stewart Peregoy, Sullivan, Sweeney, Tschida, Usher, Vinton, Weatherwax, Webb, Welch, White, Winter, Woods, Zolnikov, Mr. Speaker.
Total 97

Nays: Skees.
Total 1

Voted absentee: None.

Excused: Mortensen, Windy Boy.
Total 2

Absent or not voting: None.
Total 0

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

HB 55 passed as follows:

Yeas: Abbott, Anderson, Bachmeier, Bahr, Ballance, Bartel, Beard, Bedey, Berglee, Bessette, Bishop, Brown B, Brown Z, Burnett, Buttrey, Caferro, Curdy, Custer, DeVries, Doane, Dooling, Dudik, Dunn, Dunwell, Duram, Farris-Olsen, Fern, Fleming, Fuller, Funk, Galloway, Galt, Garcia, Garner, Glimm, Greef, Grubbs, Gunderson, Hamilton, Hamlett, Harvey, Hayman, Holmlund, Hopkins, Jones, Karjala, Kassmier, Keane, Kelker, Keogh, Kerr-Carpenter, Knudsen C, Knudsen R, Krautter, Krotkov, Lenz, Loge, Lynch, Mandeville, Manzella, Marler, McKamey, Mercer, Moore E, Moore T, Morigeau, Noland, Olsen, Peppers, Perry, Pierson, Pope, Read, Redfield, Regier, Ricci, Runningwolf, Ryan, Sales, Schreiner, Shaw, Skees, Smith, Stewart Peregoy, Sullivan, Sweeney, Tschida, Usher, Vinton, Weatherwax, Webb, Welch, White, Winter, Woods, Zolnikov, Mr. Speaker.
Total 97

Nays: Fitzgerald.
Total 1

Voted absentee: None.

Excused: Mortensen, Windy Boy.
Total 2

Absent or not voting: None.
Total 0

HB 73 passed as follows:

Yeas: Abbott, Anderson, Bachmeier, Bahr, Ballance, Bedey, Bessette, Bishop, Brown Z, Buttrey, Caferro, Curdy, Custer, Doane, Dooling, Dudik, Dunn, Dunwell, Duram, Farris-Olsen, Fern, Fitzgerald, Funk, Galt, Garcia, Garner, Greef, Grubbs, Gunderson, Hamilton, Hamlett, Harvey, Hayman, Holmlund, Jones, Karjala, Keane, Kelker, Keogh, Kerr-Carpenter, Knudsen C, Krautter, Krotkov, Lenz, Loge, Lynch, Marler, McKamey, Mercer, Moore E,

Moore T, Morigeau, Olsen, Peppers, Perry, Pierson, Pope, Redfield, Regier, Ricci, Runningwolf, Ryan, Sales, Schreiner, Shaw, Smith, Stewart Peregoy, Sullivan, Sweeney, Tschida, Weatherwax, Webb, Welch, White, Winter, Woods, Zolnikov.
Total 77

Nays: Bartel, Beard, Berglee, Brown B, Burnett, DeVries, Fleming, Fuller, Galloway, Glimm, Hopkins, Kassmier, Knudsen R, Mandeville, Manzella, Noland, Read, Skees, Usher, Vinton, Mr. Speaker.
Total 21

Voted absentee: None.

Excused: Mortensen, Windy Boy.
Total 2

Absent or not voting: None.
Total 0

HB 123 passed as follows:

Yeas: Abbott, Anderson, Bachmeier, Bahr, Ballance, Bartel, Beard, Bedey, Berglee, Bessette, Bishop, Brown B, Brown Z, Burnett, Buttrey, Caferro, Curdy, Custer, DeVries, Doane, Dooling, Dudik, Dunn, Dunwell, Duram, Farris-Olsen, Fern, Fitzgerald, Fleming, Fuller, Funk, Galloway, Galt, Garcia, Garner, Glimm, Greef, Grubbs, Gunderson, Hamilton, Hamlett, Harvey, Hayman, Holmlund, Hopkins, Jones, Karjala, Kassmier, Keane, Kelker, Keogh, Kerr-Carpenter, Knudsen C, Knudsen R, Krautter, Krotkov, Lenz, Loge, Lynch, Mandeville, Manzella, Marler, McKamey, Mercer, Moore E, Moore T, Morigeau, Noland, Olsen, Peppers, Perry, Pierson, Pope, Read, Redfield, Regier, Ricci, Runningwolf, Ryan, Sales, Schreiner, Shaw, Skees, Smith, Stewart Peregoy, Sullivan, Sweeney, Tschida, Usher, Vinton, Weatherwax, Webb, Welch, White, Winter, Woods, Zolnikov, Mr. Speaker.
Total 98

Nays: None.
Total 0

Voted absentee: None.

Excused: Mortensen, Windy Boy.
Total 2

Absent or not voting: None.
Total 0

HB 124 passed as follows:

Yeas: Abbott, Anderson, Bachmeier, Bahr, Ballance, Bartel, Beard, Bedey, Berglee, Bessette, Bishop, Brown B, Brown Z, Burnett, Buttrey, Caferro, Curdy, Custer, DeVries, Doane, Dooling, Dudik, Dunn, Dunwell, Duram, Farris-Olsen, Fern, Fleming, Fuller, Funk, Galloway, Galt, Garcia, Garner, Glimm, Greef, Grubbs, Gunderson, Hamilton, Hamlett, Harvey, Hayman, Holmlund, Hopkins, Jones, Karjala, Kassmier, Keane, Kelker, Keogh, Kerr-Carpenter, Knudsen C, Knudsen R, Krautter, Krotkov, Lenz, Loge, Lynch, Mandeville, Manzella, Marler, McKamey, Mercer, Moore E, Moore T, Morigeau, Noland, Olsen, Peppers, Perry, Pierson, Pope, Read, Redfield, Regier, Ricci, Runningwolf, Ryan, Sales, Schreiner, Shaw, Skees, Smith, Stewart Peregoy, Sullivan, Sweeney, Tschida, Usher, Vinton, Weatherwax, Webb, Welch, White, Winter, Woods, Zolnikov, Mr. Speaker.
Total 97

Nays: Fitzgerald.
Total 1

Voted absentee: None.

Excused: Mortensen, Windy Boy.
Total 2

Absent or not voting: None.
Total 0

HB 136 passed as follows:

Yeas: Abbott, Anderson, Bachmeier, Bahr, Ballance, Bartel, Beard, Bedey, Berglee, Bessette, Bishop, Brown B, Brown Z, Burnett, Buttrey, Caferro, Curdy, Custer, DeVries, Doane, Dooling, Dudik, Dunn, Dunwell, Duram, Farris-Olsen, Fern, Fitzgerald, Fleming, Fuller, Funk, Galloway, Galt, Garcia, Garner, Greef, Grubbs, Gunderson, Hamilton, Hamlett, Harvey, Hayman, Holmlund, Hopkins, Jones, Karjala, Kassmier, Keane, Kelker, Keogh, Kerr-Carpenter, Knudsen C, Knudsen R, Krautter, Krotkov, Lenz, Loge, Lynch, Mandeville, Manzella, Marler, McKamey, Mercer, Moore E, Moore T, Morigeau, Olsen, Peppers, Perry, Pierson, Pope, Read, Redfield, Regier, Ricci, Runningwolf, Ryan, Sales, Schreiner, Shaw, Skees, Smith, Stewart Peregoy, Sullivan, Sweeney, Tschida, Usher, Vinton, Weatherwax, Welch, White, Winter, Woods, Zolnikov, Mr. Speaker.
Total 95

Nays: Glimm, Noland, Webb.
Total 3

Voted absentee: None.

Excused: Mortensen, Windy Boy.
Total 2

Absent or not voting: None.
Total 0

HB 175 passed as follows:

Yeas: Abbott, Anderson, Bachmeier, Bahr, Ballance, Bartel, Beard, Bedey, Berglee, Bessette, Bishop, Brown B, Brown Z, Buttrey, Caferro, Curdy, Custer, Doane, Dooling, Dudik, Dunn, Dunwell, Duram, Farris-Olsen, Fern, Fitzgerald, Fleming, Funk, Galloway, Galt, Garcia, Garner, Glimm, Greef, Grubbs, Gunderson, Hamilton, Hamlett, Harvey, Hayman, Holmlund, Hopkins, Jones, Karjala, Kassmier, Keane, Kelker, Keogh, Kerr-Carpenter, Knudsen C, Knudsen R, Krautter, Krotkov, Lenz, Loge, Lynch, Mandeville, Marler, McKamey, Mercer, Moore E, Moore T, Morigeau, Noland, Olsen, Peppers, Perry, Pierson, Pope, Read, Ricci, Runningwolf, Ryan, Sales, Schreiner, Shaw, Skees, Smith, Stewart Peregoy, Sullivan, Sweeney, Tschida, Usher, Vinton, Weatherwax, Webb, Welch, Winter, Woods, Zolnikov, Mr. Speaker.
Total 91

Nays: Burnett, DeVries, Fuller, Manzella, Redfield, Regier, White.
Total 7

Voted absentee: None.

Excused: Mortensen, Windy Boy.
Total 2

Absent or not voting: None.
Total 0

HB 198 passed as follows:

Yeas: Abbott, Anderson, Bachmeier, Bahr, Ballance, Bartel, Beard, Bedey, Berglee, Bessette, Bishop, Brown B, Brown Z, Burnett, Buttrey, Caferro, Curdy, Custer, DeVries, Doane, Dooling, Dudik, Dunn, Dunwell, Duram, Farris-Olsen, Fern, Fitzgerald, Fleming, Fuller, Funk, Galloway, Galt, Garcia, Garner, Glimm, Greef, Grubbs, Gunderson, Hamilton, Hamlett, Harvey, Hayman, Holmlund, Hopkins, Jones, Karjala, Kassmier, Keane, Kelker, Keogh, Kerr-Carpenter, Knudsen C, Knudsen R, Krautter, Krotkov, Lenz, Loge, Lynch, Mandeville, Manzella, Marler, McKamey, Mercer, Moore E, Moore T, Morigeau, Noland, Olsen, Peppers, Perry, Pierson, Pope, Read, Redfield, Regier, Ricci, Runningwolf, Ryan, Sales, Schreiner, Shaw, Skees, Smith, Stewart Peregoy, Sullivan, Sweeney, Tschida, Usher, Vinton, Weatherwax, Webb, Welch, White, Winter, Woods, Zolnikov, Mr. Speaker.
Total 98

Nays: None.
Total 0

Voted absentee: None.

Excused: Mortensen, Windy Boy.
Total 2

Absent or not voting: None.
Total 0

MOTIONS

Majority Leader Tschida moved the Speaker be authorized to appoint a Special Joint Select Committee for the sole purpose of meeting with Montana's major hospitals.

1/28/2019

Without objection, Speaker Hertz appointed the following members:
Representative E. Moore
Representative Buttrey
Representative Caferro
Representative Pierson.

UNFINISHED BUSINESS

Mr. Speaker, I move that the following undersigned name be **ADDED** as sponsor to **HB 293**. Motion carried.

HB 293 (W. Galt, Chief Sponsor)
Malek.

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Majority Leader Tschida moved the House adjourn until 1:00 p.m., Tuesday, January 29, 2019. Motion carried.

House adjourned at 2:00 p.m.

LINDSEY VROEGINDEWEY
Chief Clerk of the House

GREG HERTZ
Speaker of the House

HOUSE JOURNAL
66TH LEGISLATURE
SEVENTEENTH LEGISLATIVE DAY

Helena, Montana — House Chambers
January 29, 2019 — State Capitol

House convened at 1:00 p.m. Mr. Speaker presiding. Invocation by Representative Webb. Pledge of Allegiance to the Flag.

Roll Call. All members present, except Representative Bessette, excused. Quorum present.

BILLS (Ricci, Chair): 1/29/2019

Correctly printed: **HB 37**, **HB 47**, **HB 56**, **HB 78**, **HB 110**, **HB 119**, **HB 145**, **HB 155**, **HB 206**, **HB 237**, **HB 302**, **HB 303**, **HB 304**, **HB 305**, **HB 306**, **HB 307**, **HB 308**, **HB 309**, **HB 310**, **HB 311**, **HB 312**, **HB 313**, **HB 314**, **HB 315**, **HB 316**, **HB 317**, **HB 318**, **HB 319**, **HB 320**, **HB 321**, **HJR 5**, **HJR 8**, **HJR 9**, **SB 62**.
Correctly engrossed: **HB 35**.
Transmitted to the Senate: **HB 37**, **HB 47**, **HB 56**, **HB 78**, **HB 110**, **HB 119**, **HB 145**, **HB 155**, **HB 206**, **HB 237**, **HJR 5**, **SB 62**.

REPORTS OF STANDING COMMITTEES

APPROPRIATIONS (Ballance, Chair): 1/28/2019
HB 69, do pass. Report adopted.
HB 159, do pass. Report adopted.

BUSINESS AND LABOR (Noland, Chair): 1/29/2019
HB 108, do pass. Report adopted.
HB 249, do pass. Report adopted.

EDUCATION (Berglee, Chair): 1/28/2019
HB 33, do pass. Report adopted.
HB 176, do pass. Report adopted.

TRANSPORTATION (Loge, Chair): 1/28/2019
HB 178, do pass. Report adopted.

MESSAGES FROM THE SENATE

Senate bills passed and transmitted to the House for concurrence: 1/25/2019

SB 10, introduced by D. Salomon
SB 50, introduced by E. McClafferty
SB 54, introduced by F. Thomas
SB 74, introduced by G. Vuckovich

Senate joint resolution passed and transmitted to the House for concurrence: 1/25/2019

SJR 1, introduced by F. Thomas

FIRST READING AND COMMITMENT OF BILLS

The following House bills were introduced, read first time, and referred to committees:

HB 322, introduced by J. Fuller, S. Berglee, M. Blasdel, W. Galt, G. Hertz, B. Tschida, referred to Judiciary.
HB 323, introduced by B. Tschida, W. Galt, C. Glimm, C. Knudsen, D. Skees, K. White, referred to Business and Labor.
HB 324, introduced by W. Sales, referred to Natural Resources.
HB 325, introduced by M. Regier, referred to Judiciary.
HB 326, introduced by A. Redfield, Z. Brown, referred to Local Government.
HB 327, introduced by A. Redfield, referred to Agriculture.
HB 328, introduced by A. Redfield, referred to Natural Resources.
HB 329, introduced by A. Redfield, D. Bartel, K. Holmlund, referred to Local Government.
HB 330, introduced by K. Sullivan, referred to Judiciary.
HB 331, introduced by R. Fitzgerald, referred to Local Government.
HB 332, introduced by J. Kassmier, D. Bartel, B. Brown, E. Buttrey, J. Fuller, W. Galt, S. Hinebauch, L. Jones, D. Loge, F. Moore, A. Redfield, D. Skees, B. Tschida, referred to Agriculture.

The following House joint resolution was introduced, read first time, and referred to committee:

HJR 10, introduced by A. Doane, W. Galt, G. Hertz, M. Hopkins, S. Morigeau, R. Peppers, T. Runningwolf, B. Smith, F. Smith, S. Stewart Peregoy, M. Weatherwax, S. Webber, referred to State Administration.

The following Senate bills were introduced, read first time, and referred to committees:

SB 10, introduced by D. Salomon (by request of the Education Interim Committee), referred to Education.
SB 50, introduced by E. McClafferty (by request of the Education Interim Committee), referred to Education.
SB 54, introduced by F. Thomas (by request of the State Auditor), referred to Business and Labor.
SB 74, introduced by G. Vuckovich (by request of the Department of Labor and Industry), referred to Judiciary.

The following Senate joint resolution was introduced, read first time, and referred to committee:

SJR 1, introduced by F. Thomas (by request of the Joint Rules Committee), referred to Rules.

SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)

Majority Leader Tschida moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative Ricci in the chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

HB 19 - Representative Stewart Peregoy moved **HB 19** do pass. Motion carried as follows:

Yeas: Abbott, Anderson, Bachmeier, Bahr, Ballance, Bedey, Bessette, Bishop, Brown Z, Buttrey, Caferro, Curdy, Custer, DeVries, Dooling, Dudik, Dunn, Dunwell, Farris-Olsen, Fern, Fitzgerald, Funk, Garcia, Garner, Greef, Grubbs, Gunderson, Hamilton, Hamlett, Harvey, Hayman, Hopkins, Jones, Karjala, Keane, Kelker, Keogh, Kerr-Carpenter, Knudsen R, Krautter, Krotkov, Loge, Lynch, Mandeville, Marler, Morigeau, Olsen, Peppers, Perry, Pierson, Pope, Read, Ricci, Runningwolf, Ryan, Sales, Schreiner, Shaw, Smith, Stewart Peregoy, Sullivan, Sweeney, Vinton, Weatherwax, Welch, Windy Boy, Winter, Woods, Zolnikov, Mr. Speaker.
Total 70

Nays: Bartel, Beard, Berglee, Brown B, Burnett, Doane, Duram, Fleming, Fuller, Galloway, Galt, Glimm, Holmlund, Kassmier, Knudsen C, Lenz, Manzella, McKamey, Mercer, Moore E, Moore T, Mortensen, Noland, Redfield, Regier, Skees, Tschida, Usher, Webb, White.
Total 30

Voted absentee: Bessette, Aye.

Excused: Bessette.
Total 1

Absent or not voting: None.
Total 0

HB 29 - Representative Manzella moved **HB 29** do pass. Motion carried as follows:

Yeas: Abbott, Anderson, Bachmeier, Bahr, Ballance, Bartel, Beard, Bedey, Bessette, Berglee, Bishop, Brown B, Brown Z, Burnett, Buttrey, Caferro, Curdy, Custer, DeVries, Doane, Dooling, Dudik, Dunn, Dunwell, Duram, Farris-Olsen, Fern, Fitzgerald, Fleming, Fuller, Funk, Galloway, Galt, Garcia, Garner, Glimm, Greef, Grubbs, Gunderson, Hamilton, Hamlett, Harvey, Hayman, Holmlund, Hopkins, Jones, Karjala, Kassmier, Keane, Kelker, Keogh, Kerr-Carpenter, Knudsen C, Knudsen R, Krautter, Krotkov, Lenz, Loge, Lynch, Mandeville, Manzella, Marler, McKamey, Mercer, Moore E, Moore T, Morigeau, Mortensen, Noland, Olsen, Peppers, Perry, Pierson, Pope, Read, Redfield, Regier, Ricci, Runningwolf, Ryan, Sales, Schreiner, Shaw, Skees, Smith,

Stewart Peregoy, Sullivan, Sweeney, Tschida, Usher, Vinton, Weatherwax, Webb, Welch, White, Windy Boy, Winter, Woods, Zolnikov, Mr. Speaker.
Total 100

Nays: None.
Total 0

Voted absentee: Bessette, Aye.

Excused: Bessette.
Total 1

Absent or not voting: None.
Total 0

HB 38 - Representative Loge moved **HB 38** do pass. Motion carried as follows:

Yeas: Abbott, Anderson, Bachmeier, Bahr, Ballance, Bedey, Bessette, Bishop, Brown Z, Buttrey, Caferro, Curdy, Custer, Dudik, Dunwell, Duram, Farris-Olsen, Fern, Fitzgerald, Fleming, Fuller, Funk, Garcia, Garner, Greef, Grubbs, Gunderson, Hamilton, Hamlett, Harvey, Hayman, Holmlund, Hopkins, Jones, Karjala, Keane, Kelker, Keogh, Kerr-Carpenter, Krotkov, Loge, Lynch, Marler, McKamey, Mercer, Morigeau, Olsen, Peppers, Perry, Pierson, Pope, Runningwolf, Ryan, Sales, Schreiner, Shaw, Smith, Stewart Peregoy, Sullivan, Sweeney, Vinton, Weatherwax, Webb, Welch, Windy Boy, Winter, Woods.
Total 67

Nays: Bartel, Beard, Berglee, Brown B, Burnett, DeVries, Doane, Dooling, Dunn, Galloway, Galt, Glimm, Kassmier, Knudsen C, Knudsen R, Krautter, Lenz, Mandeville, Manzella, Moore E, Moore T, Mortensen, Noland, Read, Redfield, Regier, Ricci, Skees, Tschida, Usher, White, Zolnikov,
Mr. Speaker.
Total 33

Voted absentee: Bessette, Aye.

Excused: Bessette.
Total 1

Absent or not voting: None.
Total 0

HB 51 - Representative Bachmeier moved **HB 51** do pass. Motion carried as follows:

Yeas: Abbott, Anderson, Bachmeier, Ballance, Bartel, Beard, Bedey, Berglee, Bessette, Bishop, Brown B, Brown Z, Burnett, Buttrey, Curdy, Custer, DeVries, Doane, Dooling, Dudik,

Dunn, Dunwell, Duram, Farris-Olsen, Fern, Fitzgerald, Fleming, Fuller, Funk, Galloway, Galt, Garcia, Garner, Greef, Grubbs, Gunderson, Hamilton, Harvey, Holmlund, Hopkins, Jones, Karjala, Kassmier, Keane, Kelker, Keogh, Kerr-Carpenter, Knudsen C, Knudsen R, Krautter, Lynch, Manzella, Mercer, Moore E, Moore T, Morigeau, Mortensen, Noland, Perry, Pierson, Pope, Read, Redfield, Regier, Ricci, Runningwolf, Ryan, Sales, Schreiner, Shaw, Skees, Smith, Sullivan, Tschida, Usher, Vinton, Weatherwax, Webb, Welch, White, Winter, Woods, Zolnikov, Mr. Speaker.
Total 84

Nays: Bahr, Caferro, Glimm, Hamlett, Hayman, Krotkov, Lenz, Loge, Mandeville, Marler, McKamey, Olsen, Peppers, Stewart Peregoy, Sweeney, Windy Boy.
Total 16

Voted absentee: Bessette, Aye.

Excused: Bessette.
Total 1

Absent or not voting: None.
Total 0

HB 59 - Representative Lynch moved **HB 59** do pass. Motion carried as follows:

Yeas: Abbott, Anderson, Bachmeier, Ballance, Bartel, Beard, Bedey, Berglee, Bessette, Bishop, Brown B, Brown Z, Burnett, Buttrey, Curdy, Custer, DeVries, Doane, Dooling, Dudik, Dunn, Dunwell, Duram, Farris-Olsen, Fern, Fitzgerald, Fleming, Fuller, Funk, Galloway, Galt, Garcia, Garner, Glimm, Greef, Grubbs, Gunderson, Hamilton, Harvey, Holmlund, Hopkins, Jones, Karjala, Kassmier, Keane, Kelker, Keogh, Kerr-Carpenter, Knudsen C, Knudsen R, Krautter, Krotkov, Lenz, Loge, Lynch, Mandeville, Manzella, Marler, McKamey, Mercer, Moore E, Moore T, Morigeau, Mortensen, Noland, Perry, Pierson, Pope, Read, Redfield, Regier, Ricci, Runningwolf, Ryan, Sales, Schreiner, Shaw, Skees, Smith, Stewart Peregoy, Sullivan, Sweeney, Tschida, Usher, Vinton, Weatherwax, Webb, Welch, White, Winter, Zolnikov,
Mr. Speaker.
Total 92

Nays: Bahr, Caferro, Hamlett, Hayman, Olsen, Peppers, Windy Boy, Woods.
Total 8

Voted absentee: Bessette, Aye.

Excused: Bessette.
Total 1

Absent or not voting: None.
Total 0

HB 64 - Representative Grubbs moved **HB 64** do pass. Motion carried as follows:

Yeas: Anderson, Ballance, Bartel, Beard, Bedey, Berglee, Brown B, Brown Z, Burnett, Buttrey, Custer, DeVries, Doane, Dooling, Dunn, Fitzgerald, Fleming, Fuller, Galloway, Galt, Garcia, Garner, Glimm, Greef, Grubbs, Gunderson, Hamilton, Hamlett, Holmlund, Hopkins, Jones, Kassmier, Knudsen C, Knudsen R, Krautter, Lenz, Loge, Mandeville, Manzella, McKamey, Mercer, Moore E, Moore T, Mortensen, Noland, Read, Redfield, Regier, Ricci, Sales, Shaw, Skees, Tschida, Usher, Vinton, Webb, Welch, White, Winter, Zolnikov, Mr. Speaker.
Total 61

Nays: Abbott, Bachmeier, Bahr, Bessette, Bishop, Caferro, Curdy, Dudik, Dunwell, Duram, Farris-Olsen, Fern, Funk, Harvey, Hayman, Karjala, Keane, Kelker, Keogh, Kerr-Carpenter, Krotkov, Lynch, Marler, Morigeau, Olsen, Peppers, Perry, Pierson, Pope, Runningwolf, Ryan, Schreiner, Smith, Stewart Peregoy, Sullivan, Sweeney, Weatherwax, Windy Boy, Woods.
Total 39

Voted absentee: Bessette, No.

Excused: Bessette.
Total 1

Absent or not voting: None.
Total 0

HB 66 - Representative T. Moore moved **HB 66** do pass. Motion carried as follows:

Yeas: Anderson, Ballance, Bartel, Beard, Bedey, Berglee, Brown B, Burnett, Buttrey, Custer, DeVries, Doane, Dooling, Dunn, Duram, Fitzgerald, Fleming, Fuller, Galloway, Galt, Garcia, Garner, Glimm, Greef, Grubbs, Gunderson, Holmlund, Hopkins, Jones, Kassmier, Knudsen C, Knudsen R, Krautter, Lenz, Loge, Mandeville, Manzella, McKamey, Mercer, Moore E, Moore T, Mortensen, Noland, Read, Redfield, Regier, Ricci, Runningwolf, Sales, Shaw, Skees, Tschida, Usher, Vinton, Webb, Welch, White, Zolnikov, Mr. Speaker.
Total 59

Nays: Abbott, Bachmeier, Bahr, Bessette, Bishop, Brown Z, Caferro, Curdy, Dudik, Dunwell, Farris-Olsen, Fern, Funk, Hamilton, Hamlett, Harvey, Hayman, Karjala, Keane, Kelker, Keogh, Kerr-Carpenter, Krotkov, Lynch, Marler, Morigeau, Olsen, Peppers, Perry, Pierson, Pope, Ryan, Schreiner, Smith, Stewart Peregoy, Sullivan, Sweeney, Weatherwax, Windy Boy, Winter, Woods.
Total 41

Voted absentee: Bessette, No.

Excused: Bessette.
Total 1

Absent or not voting: None.
Total 0

HB 74 - Representative Vinton moved **HB 74** do pass.

HB 74 - Representative Olsen moved **HB 74**, second reading copy, be amended as follows:

1. Title, page 1, line 6.
Following: "~~INJUNCTIONS;~~"
Insert: "CLARIFYING REMEDIES REGARDING PRIVATE RIGHTS OF ACTION; LIMITING CONSENT AGREEMENTS;"

2. Page 2, line 1.
Following: "state"
Insert: "and may not preempt any other remedies, civil or otherwise, allowed by the laws of this state"

3. Page 2.
Following: line 3
Insert: "(c) This section may not be construed as creating a private right of action in addition to those existing under the laws of this state.

(d) In pursuing restitution or other relief under this section for the benefit of a person who has sustained a loss resulting from a violation of this title, the commissioner may not include as part of any consent agreement any term that includes a release of the person's right to any other civil remedies."

Amendment **not** adopted as follows:

Yeas: Abbott, Bachmeier, Bahr, Bessette, Bishop, Brown Z, Caferro, Curdy, Dudik, Dunwell, Farris-Olsen, Fern, Funk, Hamilton, Hamlett, Harvey, Hayman, Karjala, Keane, Kelker, Keogh, Kerr-Carpenter, Krautter, Krotkov, Lynch, Marler, Morigeau, Olsen, Peppers, Perry, Pierson, Pope, Runningwolf, Ryan, Schreiner, Smith, Stewart Peregoy, Sullivan, Sweeney, Weatherwax, Windy Boy, Winter, Woods.
Total 43

Nays: Anderson, Ballance, Bartel, Beard, Bedey, Berglee, Brown B, Burnett, Buttrey, Custer, DeVries, Doane, Dooling, Dunn, Duram, Fitzgerald, Fleming, Fuller, Galloway, Galt, Garcia, Garner, Glimm, Greef, Grubbs, Gunderson, Holmlund, Hopkins, Jones, Kassmier, Knudsen C, Knudsen R, Lenz, Loge, Mandeville, Manzella, McKamey, Mercer, Moore E, Moore T, Mortensen, Noland, Read, Redfield, Regier, Ricci, Sales, Shaw, Skees, Tschida, Usher, Vinton, Webb, Welch, White, Zolnikov, Mr. Speaker.
Total 57

Voted absentee: Bessette, Aye.

Excused: Bessette.
Total 1

Absent or not voting: None.
Total 0

HB 74 - Representative Vinton moved **HB 74** do pass. Motion carried as follows:

Yeas: Anderson, Ballance, Bartel, Beard, Bedey, Berglee, Brown B, Burnett, Buttrey, Custer, DeVries, Doane, Dooling, Dunn, Duram, Fern, Fitzgerald, Fleming, Fuller, Galloway, Galt, Garcia, Garner, Glimm, Greef, Grubbs, Gunderson, Hamlett, Holmlund, Hopkins, Jones, Kassmier, Knudsen C, Knudsen R, Krautter, Lenz, Loge, Mandeville, Manzella, McKamey, Mercer, Moore E, Moore T, Mortensen, Noland, Read, Redfield, Regier, Ricci, Sales, Shaw, Skees, Tschida, Usher, Vinton, Webb, Welch, White, Zolnikov, Mr. Speaker.
Total 60

Nays: Abbott, Bachmeier, Bahr, Bessette, Bishop, Brown Z, Caferro, Curdy, Dudik, Dunwell, Farris-Olsen, Funk, Hamilton, Harvey, Hayman, Karjala, Keane, Kelker, Keogh, Kerr-Carpenter, Krotkov, Lynch, Marler, Morigeau, Olsen, Peppers, Perry, Pierson, Pope, Runningwolf, Ryan, Schreiner, Smith, Stewart Peregoy, Sullivan, Sweeney, Weatherwax, Windy Boy, Winter, Woods.
Total 40

Voted absentee: Bessette, No.

Excused: Bessette.
Total 1

Absent or not voting: None.
Total 0

HB 102 - Representative Pierson moved **HB 102** do pass. Motion carried as follows:

Yeas: Abbott, Anderson, Bachmeier, Bahr, Ballance, Bartel, Beard, Bedey, Berglee, Bessette, Bishop, Brown Z, Burnett, Buttrey, Caferro, Curdy, Custer, DeVries, Dooling, Dudik, Dunwell, Duram, Farris-Olsen, Fern, Fitzgerald, Fleming, Fuller, Funk, Galloway, Garcia, Garner, Greef, Grubbs, Gunderson, Hamilton, Hamlett, Harvey, Hayman, Holmlund, Hopkins, Jones, Karjala, Kassmier, Keane, Kelker, Keogh, Kerr-Carpenter, Knudsen C, Krautter, Krotkov, Lenz, Loge, Lynch, Marler, McKamey, Mercer, Moore E, Moore T, Morigeau, Mortensen, Olsen, Peppers, Perry, Pierson, Pope, Read, Redfield, Regier, Ricci, Runningwolf, Ryan, Sales, Schreiner, Shaw, Smith, Stewart Peregoy, Sullivan, Sweeney, Vinton, Weatherwax, Webb, Welch, Windy Boy, Winter, Woods, Mr. Speaker.
Total 86

Nays: Brown B, Doane, Dunn, Galt, Glimm, Knudsen R, Mandeville, Manzella, Noland, Skees, Tschida, Usher, White, Zolnikov.
Total 14

Voted absentee: Bessette, Aye.

Excused: Bessette.
Total 1

Absent or not voting: None.
Total 0

HB 107 - Representative Morigeau moved **HB 107** do pass. Motion carried as follows:

Yeas: Abbott, Anderson, Bachmeier, Bahr, Ballance, Bartel, Beard, Bedey, Berglee, Bessette, Bishop, Brown B, Brown Z, Buttrey, Caferro, Curdy, Custer, DeVries, Doane, Dooling, Dudik, Dunn, Dunwell, Duram, Farris-Olsen, Fern, Fitzgerald, Fleming, Fuller, Funk, Galloway, Galt, Garcia, Garner, Glimm, Greef, Grubbs, Gunderson, Hamilton, Hamlett, Harvey, Hayman, Holmlund, Hopkins, Jones, Karjala, Kassmier, Keane, Kelker, Keogh, Kerr-Carpenter, Knudsen C, Knudsen R, Krautter, Krotkov, Loge, Mandeville, Manzella, Marler, Moore E, Moore T, Morigeau, Mortensen, Noland, Peppers, Perry, Pierson, Pope, Read, Redfield, Regier, Ricci, Runningwolf, Ryan, Sales, Schreiner, Shaw, Skees, Smith, Stewart Peregoy, Sullivan, Sweeney, Tschida, Usher, Vinton, Weatherwax, Webb, Welch, White, Windy Boy, Winter, Woods, Mr. Speaker.
Total 93

Nays: Burnett, Lenz, Lynch, McKamey, Mercer, Olsen, Zolnikov.
Total 7

Voted absentee: Bessette, Aye.

Excused: Bessette.
Total 1

Absent or not voting: None.
Total 0

HB 115 - Representative Dooling moved **HB 115** do pass. Motion **failed** as follows:

Yeas: Anderson, Ballance, Berglee, Bessette, Brown Z, Buttrey, Custer, Dooling, Duram, Fern, Fitzgerald, Garner, Grubbs, Harvey, Hopkins, Jones, Loge, Lynch, McKamey, Moore E, Moore T, Perry, Runningwolf, Sales, Shaw, Welch, Woods.
Total 27

Nays: Abbott, Bachmeier, Bahr, Bartel, Beard, Bedey, Bishop, Brown B, Burnett, Caferro, Curdy, DeVries, Doane, Dudik, Dunn, Dunwell, Farris-Olsen, Fleming, Fuller, Funk, Galloway, Galt, Garcia, Glimm, Greef, Gunderson, Hamilton, Hamlett, Hayman, Holmlund, Karjala, Kassmier, Keane, Kelker, Keogh, Kerr-Carpenter, Knudsen C, Knudsen R, Krautter, Krotkov, Lenz, Mandeville, Manzella, Marler, Mercer, Morigeau, Mortensen, Noland, Olsen, Peppers, Pierson, Pope, Read, Redfield, Regier, Ricci, Ryan, Schreiner, Skees, Smith, Stewart Peregoy, Sullivan, Sweeney, Tschida, Usher, Vinton, Weatherwax, Webb, White, Windy Boy, Winter, Zolnikov, Mr. Speaker.
Total 73

Voted absentee: Bessette, Aye.

Excused: Bessette.
Total 1

Absent or not voting: None.
Total 0

HB 126 - Representative Custer moved **HB 126** do pass. Motion carried as follows:

Yeas: Abbott, Bachmeier, Bahr, Ballance, Bedey, Bessette, Bishop, Brown Z, Buttrey, Curdy, Custer, Dooling, Dudik, Dunwell, Duram, Fern, Fitzgerald, Funk, Garner, Greef, Grubbs, Gunderson, Hamilton, Hamlett, Harvey, Hayman, Holmlund, Jones, Karjala, Keane, Kelker, Keogh, Kerr-Carpenter, Krautter, Krotkov, Loge, Lynch, Marler, McKamey, Mercer, Moore E, Morigeau, Peppers, Perry, Pierson, Pope, Runningwolf, Ryan, Sales, Shaw, Smith, Stewart Peregoy, Sullivan, Sweeney, Weatherwax, Webb, Welch, Winter, Woods.
Total 59

Nays: Anderson, Bartel, Beard, Berglee, Brown B, Burnett, Caferro, DeVries, Doane, Dunn, Farris-Olsen, Fleming, Fuller, Galloway, Galt, Garcia, Glimm, Hopkins, Kassmier, Knudsen C, Knudsen R, Lenz, Mandeville, Manzella, Moore T, Mortensen, Noland, Olsen, Read, Redfield, Regier, Ricci, Schreiner, Skees, Tschida, Usher, Vinton, White, Windy Boy, Zolnikov, Mr. Speaker.
Total 41

Voted absentee: Bessette, Aye.

Excused: Bessette.
Total 1

Absent or not voting: None.
Total 0

HB 137 - Representative Dudik moved **HB 137** do pass. Motion carried as follows:

Yeas: Abbott, Bachmeier, Bahr, Bedey, Bessette, Bishop, Brown Z, Buttrey, Caferro, Curdy, Custer, Dooling, Dudik, Dunn, Dunwell, Farris-Olsen, Fern, Fitzgerald, Funk, Garcia, Garner, Greef, Grubbs, Hamilton, Hamlett, Harvey, Hayman, Holmlund, Hopkins, Jones, Karjala, Kassmier, Keane, Kelker, Keogh, Kerr-Carpenter, Krautter, Krotkov, Loge, Lynch, Mandeville, Marler, McKamey, Mercer, Moore E, Morigeau, Mortensen, Olsen, Peppers, Perry, Pierson, Pope, Read, Redfield, Ricci, Runningwolf, Ryan, Sales, Schreiner, Shaw, Smith, Stewart Peregoy, Sullivan, Sweeney, Weatherwax, Webb, Welch, Windy Boy, Winter, Woods.
Total 70

Nays: Anderson, Ballance, Bartel, Beard, Berglee, Brown B, Burnett, DeVries, Doane, Duram, Fleming, Fuller, Galloway, Galt, Glimm, Gunderson, Knudsen C, Knudsen R, Lenz, Manzella, Moore T, Noland, Regier, Skees, Tschida, Usher, Vinton, White, Zolnikov, Mr. Speaker.
Total 30

Voted absentee: Bessette, Aye.

Excused: Bessette.
Total 1

Absent or not voting: None.
Total 0

HB 139 - Representative Dudik moved **HB 139** do pass. Motion **failed** as follows:

Yeas: Abbott, Bachmeier, Bahr, Bessette, Bishop, Brown Z, Caferro, Curdy, Custer, Dudik, Dunwell, Farris-Olsen, Fern, Funk, Garner, Grubbs, Hamilton, Hamlett, Harvey, Hayman, Hopkins, Karjala, Keane, Kelker, Keogh, Kerr-Carpenter, Krotkov, Lynch, Marler, Morigeau, Olsen, Peppers, Perry, Pierson, Pope, Runningwolf, Ryan, Schreiner, Smith, Stewart Peregoy, Sullivan, Sweeney, Weatherwax, Welch, Windy Boy, Winter, Woods.
Total 47

Nays: Anderson, Ballance, Bartel, Beard, Bedey, Berglee, Brown B, Burnett, Buttrey, DeVries, Doane, Dooling, Dunn, Duram, Fitzgerald, Fleming, Fuller, Galloway, Galt, Garcia, Glimm, Greef, Gunderson, Holmlund, Jones, Kassmier, Knudsen C, Knudsen R, Krautter, Lenz, Loge, Mandeville, Manzella, McKamey, Mercer, Moore E, Moore T, Mortensen, Noland, Read, Redfield, Regier, Ricci, Sales, Shaw, Skees, Tschida, Usher, Vinton, Webb, White, Zolnikov, Mr. Speaker.
Total 53

Voted absentee: Bessette, Aye.

Excused: Bessette.
Total 1

Absent or not voting: None.
Total 0

HB 151 - Representative Fitzgerald moved **HB 151** do pass. Motion carried as follows:

Yeas: Abbott, Anderson, Bachmeier, Bahr, Ballance, Bartel, Beard, Bedey, Berglee, Bessette, Bishop, Brown B, Brown Z, Buttrey, Curdy, Custer, DeVries, Doane, Dooling, Dudik, Dunn, Dunwell, Duram, Farris-Olsen, Fern, Fitzgerald, Fleming, Fuller, Funk, Galloway, Galt, Garcia, Garner, Glimm, Greef, Grubbs, Gunderson, Hamilton, Hamlett, Harvey, Hayman, Holmlund, Hopkins, Jones, Karjala, Kassmier, Kelker, Keogh, Kerr-Carpenter, Knudsen C, Krautter, Krotkov, Lenz, Loge, Lynch, Mandeville, Marler, McKamey, Mercer, Moore E, Moore T, Morigeau, Mortensen, Noland, Olsen, Peppers, Perry, Pierson, Pope, Read, Redfield, Ricci, Runningwolf, Ryan, Sales, Schreiner, Shaw, Smith, Stewart Peregoy, Sullivan, Sweeney, Usher, Vinton, Weatherwax, Webb, Welch, Windy Boy, Winter, Woods, Zolnikov, Mr. Speaker.
Total 91

Nays: Burnett, Caferro, Keane, Knudsen R, Manzella, Regier, Skees, Tschida, White.
Total 9

Voted absentee: Bessette, Aye.

Excused: Bessette.
Total 1

Absent or not voting: None.
Total 0

Majority Leader Tschida moved the Committee rise and report. Motion carried. Committee arose. House resumed. Mr. Speaker presiding. Chair Ricci moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Abbott, Anderson, Bachmeier, Bahr, Ballance, Bartel, Beard, Bedey, Berglee, Bishop, Brown B, Brown Z, Burnett, Buttrey, Caferro, Curdy, Custer, DeVries, Doane, Dooling, Dudik, Dunn, Dunwell, Duram, Fern, Fitzgerald, Fleming, Fuller, Funk, Galloway, Galt, Garcia, Garner, Glimm, Greef, Grubbs, Gunderson, Hamilton, Hamlett, Harvey, Hayman, Holmlund, Hopkins, Jones, Kassmier, Keane, Kelker, Keogh, Kerr-Carpenter, Knudsen C, Knudsen R, Krautter, Krotkov, Lenz, Loge, Lynch, Mandeville, Manzella, Marler, McKamey, Mercer, Moore E, Moore T, Noland, Perry, Pierson, Pope, Read, Redfield, Regier, Ricci, Runningwolf, Ryan, Sales, Schreiner, Shaw, Skees, Stewart Peregoy, Sullivan, Sweeney, Tschida, Usher, Vinton, Weatherwax, Webb, Welch, White, Winter, Zolnikov, Mr. Speaker.
Total 90

Nays: Farris-Olsen, Karjala, Morigeau, Olsen, Peppers, Smith, Windy Boy, Woods.
Total 8

Voted absentee: None.

Excused: Bessette.
Total 1

Absent or not voting: Mortensen.
Total 1

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

HB 37 passed as follows:

Yeas: Abbott, Anderson, Bachmeier, Bahr, Ballance, Bartel, Beard, Bedey, Berglee, Bishop, Brown B, Brown Z, Burnett, Buttrey, Caferro, Curdy, Custer, DeVries, Dooling, Dudik, Dunn, Dunwell, Duram, Farris-Olsen, Fern, Fitzgerald, Fleming, Fuller, Funk, Galloway, Galt, Garcia, Garner, Glimm, Greef, Grubbs, Gunderson, Hamilton, Hamlett, Harvey, Hayman, Holmlund, Hopkins, Jones, Karjala, Kassmier, Keane, Kelker, Keogh, Kerr-Carpenter, Knudsen C, Knudsen R, Krautter, Krotkov, Lenz, Loge, Lynch, Mandeville, Manzella, Marler, McKamey, Mercer, Moore E, Moore T, Morigeau, Mortensen, Olsen, Peppers, Perry, Pierson, Pope, Read, Redfield, Regier, Ricci, Runningwolf, Ryan, Sales, Schreiner, Shaw, Skees, Smith, Stewart Peregoy, Sullivan, Sweeney, Tschida, Usher, Vinton, Weatherwax, Webb, Welch, White, Windy Boy, Winter, Woods, Zolnikov, Mr. Speaker.
Total 97

Nays: Doane, Noland.
Total 2

Voted absentee: None.

Excused: Bessette.
Total 1

Absent or not voting: None.
Total 0

HB 47 passed as follows:

Yeas: Abbott, Anderson, Bachmeier, Bahr, Ballance, Bartel, Beard, Bedey, Berglee, Bishop, Brown B, Brown Z, Burnett, Buttrey, Caferro, Curdy, Custer, DeVries, Doane, Dooling, Dudik, Dunn, Dunwell, Duram, Farris-Olsen, Fern, Fitzgerald, Fleming, Fuller, Funk, Galloway, Galt, Garcia, Garner, Glimm, Greef, Grubbs, Gunderson, Hamilton, Hamlett, Harvey, Hayman,

Holmlund, Hopkins, Jones, Karjala, Kassmier, Keane, Kelker, Keogh, Kerr-Carpenter, Knudsen C, Knudsen R, Krautter, Krotkov, Lenz, Loge, Lynch, Mandeville, Manzella, Marler, McKamey, Mercer, Moore E, Moore T, Morigeau, Mortensen, Noland, Olsen, Peppers, Perry, Pierson, Pope, Read, Redfield, Regier, Ricci, Runningwolf, Ryan, Sales, Schreiner, Shaw, Skees, Smith, Stewart Peregoy, Sullivan, Sweeney, Tschida, Usher, Vinton, Weatherwax, Webb, Welch, White, Windy Boy, Winter, Woods, Zolnikov, Mr. Speaker.
Total 99

Nays: None.
Total 0

Voted absentee: None.

Excused: Bessette.
Total 1

Absent or not voting: None.
Total 0

HB 56 passed as follows:

Yeas: Abbott, Anderson, Bachmeier, Bahr, Ballance, Bartel, Beard, Bedey, Berglee, Bishop, Brown B, Brown Z, Burnett, Buttrey, Caferro, Curdy, Custer, DeVries, Doane, Dooling, Dudik, Dunn, Dunwell, Duram, Farris-Olsen, Fern, Fitzgerald, Fleming, Fuller, Funk, Galloway, Galt, Garcia, Garner, Glimm, Greef, Grubbs, Gunderson, Hamilton, Hamlett, Harvey, Hayman, Holmlund, Hopkins, Jones, Karjala, Kassmier, Keane, Kelker, Keogh, Kerr-Carpenter, Knudsen C, Knudsen R, Krautter, Krotkov, Lenz, Loge, Mandeville, Manzella, Marler, McKamey, Mercer, Moore E, Moore T, Morigeau, Mortensen, Noland, Olsen, Peppers, Perry, Pierson, Pope, Read, Redfield, Regier, Ricci, Runningwolf, Ryan, Sales, Schreiner, Shaw, Skees, Smith, Stewart Peregoy, Sullivan, Sweeney, Tschida, Usher, Vinton, Weatherwax, Webb, Welch, White, Windy Boy, Winter, Woods, Zolnikov, Mr. Speaker.
Total 98

Nays: Lynch.
Total 1

Voted absentee: None.

Excused: Bessette.
Total 1

Absent or not voting: None.
Total 0

HB 78 passed as follows:

Yeas: Abbott, Anderson, Bachmeier, Bahr, Ballance, Beard, Bedey, Bishop, Brown Z, Buttrey, Caferro, Curdy, Custer, Dooling, Dudik, Dunn, Dunwell, Duram, Farris-Olsen, Fern, Fitzgerald, Fleming, Funk, Garcia, Garner, Greef, Grubbs, Hamilton, Hamlett, Harvey, Hayman, Holmlund, Hopkins, Jones, Karjala, Keane, Kelker, Keogh, Kerr-Carpenter, Knudsen R, Krautter, Krotkov, Loge, Lynch, Mandeville, Manzella, Marler, McKamey, Moore E, Moore T, Morigeau, Mortensen, Olsen, Peppers, Perry, Pierson, Pope, Read, Regier, Ricci, Runningwolf, Ryan, Sales, Schreiner, Shaw, Smith, Stewart Peregoy, Sullivan, Sweeney, Tschida, Usher, Weatherwax, Webb, Welch, White, Windy Boy, Winter, Woods, Zolnikov.
Total 79

Nays: Bartel, Berglee, Brown B, Burnett, DeVries, Doane, Fuller, Galloway, Galt, Glimm, Gunderson, Kassmier, Knudsen C, Lenz, Mercer, Noland, Redfield, Skees, Vinton, Mr. Speaker.
Total 20

Voted absentee: None.

Excused: Bessette.
Total 1

Absent or not voting: None.
Total 0

HB 110 passed as follows:

Yeas: Abbott, Anderson, Bachmeier, Ballance, Bartel, Beard, Bedey, Berglee, Bishop, Brown B, Brown Z, Burnett, Buttrey, Caferro, Curdy, Custer, DeVries, Doane, Dooling, Dudik, Dunn, Dunwell, Duram, Farris-Olsen, Fern, Fitzgerald, Fleming, Fuller, Funk, Galloway, Galt, Garcia, Garner, Glimm, Greef, Grubbs, Gunderson, Hamilton, Hamlett, Hayman, Holmlund, Hopkins, Jones, Karjala, Kassmier, Keane, Kelker, Keogh, Kerr-Carpenter, Knudsen C, Knudsen R, Krautter, Krotkov, Lenz, Loge, Lynch, Mandeville, Manzella, Marler, McKamey, Mercer, Moore E, Moore T, Morigeau, Mortensen, Noland, Olsen, Peppers, Perry, Pierson, Pope, Read, Redfield, Regier, Ricci, Runningwolf, Ryan, Sales, Schreiner, Shaw, Skees, Smith, Stewart Peregoy, Sullivan, Sweeney, Tschida, Usher, Weatherwax, Webb, Welch, Windy Boy, Winter, Woods, Zolnikov, Mr. Speaker.
Total 95

Nays: Bahr, Harvey, Vinton, White.
Total 4

Voted absentee: None.

Excused: Bessette.
Total 1

Absent or not voting: None.
Total 0

HB 119 passed as follows:

Yeas: Abbott, Anderson, Bachmeier, Bahr, Ballance, Bishop, Brown Z, Buttrey, Caferro, Curdy, Custer, Dooling, Dudik, Dunwell, Duram, Farris-Olsen, Fern, Fitzgerald, Funk, Garcia, Garner, Greef, Grubbs, Gunderson, Hamilton, Hamlett, Harvey, Hayman, Holmlund, Hopkins, Jones, Karjala, Kassmier, Keane, Kelker, Keogh, Kerr-Carpenter, Krautter, Krotkov, Loge, Lynch, Mandeville, Marler, Morigeau, Olsen, Peppers, Perry, Pierson, Pope, Runningwolf, Ryan, Sales, Schreiner, Shaw, Smith, Stewart Peregoy, Sullivan, Sweeney, Weatherwax, Welch, Windy Boy, Winter, Woods.
Total 63

Nays: Bartel, Beard, Bedey, Berglee, Brown B, Burnett, DeVries, Doane, Dunn, Fleming, Fuller, Galloway, Galt, Glimm, Knudsen C, Knudsen R, Lenz, Manzella, McKamey, Mercer, Moore E, Moore T, Mortensen, Noland, Read, Redfield, Regier, Ricci, Skees, Tschida, Usher, Vinton, Webb, White, Zolnikov, Mr. Speaker.
Total 36

Voted absentee: None.

Excused: Bessette.
Total 1

Absent or not voting: None.
Total 0

HB 145 passed as follows:

Yeas: Anderson, Bachmeier, Bahr, Ballance, Bartel, Beard, Bedey, Berglee, Bishop, Brown B, Brown Z, Burnett, Buttrey, Curdy, Custer, DeVries, Doane, Dooling, Dudik, Dunn, Dunwell, Duram, Fern, Fitzgerald, Fleming, Fuller, Galloway, Galt, Garcia, Garner, Glimm, Greef, Grubbs, Gunderson, Hamilton, Hamlett, Harvey, Hayman, Holmlund, Hopkins, Jones, Karjala, Kassmier, Kelker, Keogh, Knudsen C, Knudsen R, Krautter, Krotkov, Lenz, Loge, Lynch, Mandeville, Manzella, Marler, McKamey, Mercer, Moore E, Moore T, Morigeau, Mortensen, Noland, Peppers, Perry, Pierson, Pope, Read, Redfield, Regier, Ricci, Runningwolf, Sales, Shaw, Skees, Smith, Stewart Peregoy, Sullivan, Sweeney, Tschida, Usher, Vinton, Weatherwax, Webb, Welch, White, Winter, Woods, Zolnikov, Mr. Speaker.
Total 89

Nays: Abbott, Caferro, Farris-Olsen, Funk, Keane, Kerr-Carpenter, Olsen, Ryan, Schreiner, Windy Boy.
Total 10

Voted absentee: None.

Excused: Bessette.
Total 1

Absent or not voting: None.
Total 0

HB 155 passed as follows:

Yeas: Abbott, Anderson, Bachmeier, Bahr, Ballance, Bartel, Beard, Bedey, Berglee, Bishop, Brown B, Brown Z, Burnett, Buttrey, Caferro, Curdy, Custer, DeVries, Doane, Dooling, Dudik, Dunn, Dunwell, Duram, Farris-Olsen, Fern, Fitzgerald, Fleming, Fuller, Funk, Galloway, Galt, Garcia, Garner, Glimm, Greef, Grubbs, Gunderson, Hamilton, Hamlett, Harvey, Hayman, Holmlund, Hopkins, Jones, Karjala, Kassmier, Keane, Kelker, Keogh, Kerr-Carpenter, Knudsen C, Knudsen R, Krautter, Krotkov, Lenz, Loge, Lynch, Mandeville, Manzella, Marler, McKamey, Mercer, Moore E, Moore T, Morigeau, Mortensen, Noland, Olsen, Peppers, Perry, Pierson, Pope, Read, Redfield, Regier, Ricci, Runningwolf, Ryan, Sales, Schreiner, Shaw, Skees, Smith, Stewart Peregoy, Sullivan, Sweeney, Tschida, Usher, Vinton, Weatherwax, Webb, Welch, White, Windy Boy, Winter, Woods, Zolnikov, Mr. Speaker.
Total 99

Nays: None.
Total 0

Voted absentee: None.

Excused: Bessette.
Total 1

Absent or not voting: None.
Total 0

HB 206 passed as follows:

Yeas: Abbott, Anderson, Bachmeier, Bahr, Ballance, Bartel, Beard, Bedey, Berglee, Bishop, Brown B, Brown Z, Burnett, Buttrey, Caferro, Curdy, Custer, DeVries, Doane, Dooling, Dudik, Dunn, Dunwell, Duram, Farris-Olsen, Fern, Fitzgerald, Fleming, Fuller, Funk, Galloway, Galt, Garcia, Garner, Glimm, Greef, Grubbs, Gunderson, Hamilton, Hamlett, Harvey, Hayman, Holmlund, Hopkins, Jones, Karjala, Kassmier, Keane, Kelker, Keogh, Kerr-Carpenter, Knudsen C, Knudsen R, Krautter, Krotkov, Lenz, Loge, Lynch, Mandeville, Manzella, Marler,

McKamey, Mercer, Moore E, Moore T, Morigeau, Mortensen, Noland, Olsen, Peppers, Perry, Pierson, Pope, Read, Redfield, Regier, Ricci, Runningwolf, Ryan, Sales, Schreiner, Shaw, Skees, Smith, Stewart Peregoy, Sullivan, Sweeney, Tschida, Usher, Vinton, Weatherwax, Webb, Welch, White, Windy Boy, Winter, Woods, Zolnikov, Mr. Speaker.
Total 99

Nays: None.
Total 0

Voted absentee: None.

Excused: Bessette.
Total 1

Absent or not voting: None.
Total 0

HB 237 passed as follows:

Yeas: Abbott, Anderson, Bachmeier, Bahr, Ballance, Bedey, Bishop, Brown Z, Buttrey, Caferro, Curdy, Custer, Dudik, Dunwell, Duram, Farris-Olsen, Fern, Fitzgerald, Fuller, Funk, Garcia, Garner, Grubbs, Hamilton, Hamlett, Harvey, Hayman, Holmlund, Jones, Karjala, Keane, Kelker, Keogh, Kerr-Carpenter, Krautter, Krotkov, Loge, Lynch, Marler, McKamey, Moore E, Moore T, Morigeau, Olsen, Peppers, Perry, Pierson, Pope, Read, Runningwolf, Ryan, Sales, Schreiner, Shaw, Smith, Stewart Peregoy, Sullivan, Sweeney, Tschida, Weatherwax, Windy Boy, Winter, Woods.
Total 63

Nays: Bartel, Beard, Berglee, Brown B, Burnett, DeVries, Doane, Dooling, Dunn, Fleming, Galloway, Galt, Glimm, Greef, Gunderson, Hopkins, Kassmier, Knudsen C, Knudsen R, Lenz, Mandeville, Manzella, Mercer, Mortensen, Noland, Redfield, Regier, Ricci, Skees, Usher, Vinton, Webb, Welch, White, Zolnikov, Mr. Speaker.
Total 36

Voted absentee: None.

Excused: Bessette.
Total 1

Absent or not voting: None.
Total 0

HJR 5 passed as follows:

Yeas: Abbott, Anderson, Bachmeier, Bahr, Ballance, Bartel, Bedey, Bishop, Brown B, Brown Z, Buttrey, Caferro, Curdy, Custer, Doane, Dooling, Dudik, Dunn, Dunwell, Duram, Farris-Olsen, Fern, Fitzgerald, Fleming, Fuller, Funk, Galt, Garcia, Garner, Greef, Grubbs, Hamilton, Hamlett, Harvey, Hayman, Holmlund, Hopkins, Jones, Karjala, Kassmier, Keane, Kelker, Keogh, Kerr-Carpenter, Knudsen C, Knudsen R, Krautter, Krotkov, Lenz, Loge, Lynch, Manzella, Marler, Mercer, Moore E, Moore T, Morigeau, Mortensen, Olsen, Peppers, Perry, Pierson, Pope, Read, Regier, Ricci, Runningwolf, Ryan, Sales, Schreiner, Shaw, Skees, Smith, Stewart Peregoy, Sullivan, Sweeney, Vinton, Weatherwax, Webb, Welch, White, Windy Boy, Winter, Woods, Zolnikov, Mr. Speaker.
Total 86

Nays: Beard, Berglee, Burnett, DeVries, Galloway, Glimm, Gunderson, Mandeville, McKamey, Noland, Redfield, Tschida, Usher.
Total 13

Voted absentee: None.

Excused: Bessette.
Total 1

Absent or not voting: None.
Total 0

SB 62 concurred in as follows:

Yeas: Abbott, Anderson, Bachmeier, Bahr, Ballance, Bartel, Beard, Bedey, Berglee, Bishop, Brown B, Brown Z, Burnett, Buttrey, Caferro, Curdy, Custer, DeVries, Doane, Dooling, Dudik, Dunn, Dunwell, Duram, Farris-Olsen, Fern, Fitzgerald, Fleming, Fuller, Funk, Galloway, Galt, Garcia, Garner, Glimm, Greef, Grubbs, Gunderson, Hamilton, Hamlett, Harvey, Hayman, Holmlund, Hopkins, Jones, Karjala, Kassmier, Keane, Kelker, Keogh, Kerr-Carpenter, Knudsen C, Knudsen R, Krautter, Krotkov, Lenz, Loge, Lynch, Mandeville, Manzella, Marler, McKamey, Mercer, Moore E, Moore T, Morigeau, Mortensen, Noland, Olsen, Peppers, Perry, Pierson, Pope, Read, Redfield, Regier, Ricci, Runningwolf, Ryan, Sales, Schreiner, Shaw, Skees, Smith, Stewart Peregoy, Sullivan, Sweeney, Tschida, Usher, Vinton, Weatherwax, Webb, Welch, White, Windy Boy, Winter, Woods, Zolnikov, Mr. Speaker.
Total 99

Nays: None.
Total 0

Voted absentee: None.

Excused: Bessette.
Total 1

Absent or not voting: None.
Total 0

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Majority Leader Tschida moved the House adjourn until 1:00 p.m., Wednesday, January 30, 2019. Motion carried.

House adjourned at 2:56 p.m.

LINDSEY VROEGINDEWEY
Chief Clerk of the House

GREG HERTZ
Speaker of the House

MINUTES

MONTANA SENATE
66th LEGISLATURE - REGULAR SESSION

COMMITTEE ON ENERGY AND TELECOMMUNICATIONS

Call to Order: Chair Duane Ankney, on February 12, 2019 at 3:00 PM, in Room 317 Capitol

ROLL CALL

Members Present:
Sen. Duane Ankney, Chair (R)
Sen. Jason D. Small, Vice Chair (R)
Sen. Mary McNally, Vice Chair (D)
Sen. Dick Barrett (D)
Sen. Mike Cuffe (R)
Sen. Terry Gauthier (R)
Sen. Douglas (Doug) Kary (R)
Sen. Sue Malek (D)
Sen. Mike Phillips (D)
Sen. Keith Regier (R)
Sen. Tom Richmond (R)
Sen. Russel (Russ) Tempel (R)
Sen. Gene Vuckovich (D)

Members Excused: None

Members Absent: None

Staff Present: Trevor Graff, Legislative Branch
Jacelyn Stewart, Committee Secretary

Audio Committees: These minutes are in outline form only. They provide a list of participants and a record of official action taken by the committee. The link to the audio recording of the meeting is available on the Legislative Branch website.

Committee Business Summary:
Hearing & Date Posted: HB 206, 2/6/2019

Executive Action: SR 6 - Be Adopted
SR 7 - Be Adopted
SB 93 - Do Pass
SB 103 - Be Tabled
SB 190 - Be Tabled
SB 191 - Do Pass
SB 189 - Amended Only

HEARING ON HB 206

Opening Statement by Sponsor:
15:03:30 Rep. Frank Garner (R), HD 7, opened the hearing on HB 206, Clarify a rural cooperative utility's authority.

Proponents' Testimony:
15:06:26 Mark Johnson, general manager, Flathead Electric Cooperative Association
15:09:48 Mark Hayden, general manager, Missoula Electric Cooperative Association (MECA)
15:13:56 Doug Hardy, Montana Electric Cooperatives' Association
EXHIBIT(ens29a01)
EXHIBIT(ens29a02)

15:21:56 Geoff Feiss, Montana Telecommunications Association

Opponents' Testimony: None

Informational Testimony: None

Questions from Committee Members and Responses:
15:23:53 Sen. Barrett
15:25:10 Mr. Hayden, MECA

Closing by Sponsor:
15:26:07 Rep. Garner

EXECUTIVE ACTION ON SB 93

15:28:00 **Motion:** Sen. Richmond moved that **SB 93 DO PASS**.

15:28:11 **Motion:** Sen. McNally moved that **SB 93 BE AMENDED**.
EXHIBIT(ens29a03)

Discussion:
15:29:02 Sen. McNally
15:30:20 Sen. Richmond
15:32:06 Chair Ankney
15:32:23 Sen. Richmond
15:33:50 Sen. Barrett
15:35:08 Sen. McNally

15:36:02 **Vote:** Motion failed 5-8 by roll call vote with Sen. Barrett, Sen. Malek, Sen. McNally, Sen. Phillips and Sen. Vuckovich voting aye.

15:37:43 **Motion:** Sen. Richmond moved that **SB 93 BE AMENDED**.
EXHIBIT(ens29a04)

Discussion:
15:39:21 Sen. Temple

15:40:54 **Vote:** Motion carried 9-4 by roll call vote with Sen. Barrett, Sen. Malek, Sen. McNally and Sen. Vuckovich voting no.

15:41:43 **Motion:** Sen. Richmond moved that **SB 93 DO PASS AS AMENDED**.

Discussion:
15:41:56 Sen. Small
15:43:10 Sen. McNally

15:43:49 **Vote:** Motion carried 8-5 by roll call vote with Sen. Barrett, Sen. Malek, Sen. McNally, Sen. Phillips and Sen. Vuckovich voting no.

EXECUTIVE ACTION ON SB 190

15:45:04 **Motion:** Sen. Phillips moved that **SB 190 DO PASS**.

15:45:24 **Motion:** Sen. Phillips moved that **SB 190 BE AMENDED**.
EXHIBIT(ens29a05)

Discussion:
15:49:10 Sen. Malek
15:49:35 Sen. Phillips

15:50:46 **Vote:** Motion carried 11-2 by roll call vote with Sen. Ankney and Sen. Vuckovich voting no.

15:51:38 **Motion:** Sen. Phillips moved that **SB 190 DO PASS AS AMENDED**.

Discussion:
15:51:50 Sen. Regier
EXHIBIT(ens29a06)

15:54:23 Sen. Malek
15:54:45 Sen. Regier
15:55:02 Sen. Malek
15:55:08 Sen. Regier
15:55:16 Sen. Malek
15:56:46 Sen. Barrett
15:58:36 Sen. McNally

16:00:22 **Vote:** Motion failed 4-9 by roll call vote with Sen. Barrett, Sen. Malek, Sen. McNally and Sen. Phillips voting aye.

16:03:20 **Motion:** Sen. K. Regier moved that **SB 190 BE TABLED**.

16:03:40 **Vote:** Motion carried 9-4 by roll call vote with Sen. Barrett, Sen. Malek, Sen. Phillips and Sen. Vuckovich voting no.

EXECUTIVE ACTION ON SB 191

16:05:06 **Motion/Vote:** Sen. Ankney moved that **SB 191 DO PASS**. Motion carried unanimously by voice vote.

EXECUTIVE ACTION ON SB 103

16:06:29 **Motion:** Sen. Small moved that **SB 103 DO PASS**.

16:06:36 **Motion:** Sen. Small moved that **SB 103 BE AMENDED**.
EXHIBIT(ens29a07)

Discussion:
16:08:02 Sen. Phillips
16:08:13 Sen. Small

16:09:00 **Vote:** Motion carried 8-5 by roll call vote with Sen. Barrett, Sen. Malek, Sen. McNally, Sen. Phillips and Sen. Vuckovich voting no.

16:10:17 **Motion:** Sen. Malek moved that **SB 103 BE TABLED**.

16:10:39 **Vote:** Motion carried 8-5 by roll call vote with Sen. Ankney, Sen. Cuffe, Sen. Kary, Sen. K. Regier and Sen. Richmond voting no.

EXECUTIVE ACTION ON SB 189

16:12:41 **Motion:** Sen. Barrett moved that **SB 189 DO PASS**.

16:14:10 Chairman Ankney left the room. Vice Chair Small assumed the duties of the chair.

16:14:18 **Motion:** Sen. Barrett moved that **SB 189 BE AMENDED**.
EXHIBIT(ens29a08)

Discussion:
16:14:31 Sen. Barrett
16:17:13 Sen. Regier
16:17:29 Sen. Barrett
16:17:50 Chair Small
16:18:04 Sen. Barrett
16:18:56 Trevor Graff, Legislative Services Division (LSD)
16:19:15 Sen. Barrett
16:19:33 Mr. Graff, LSD
16:19:56 Sen. Phillips
16:20:53 Sen. Barrett
16:21:08 Mr. Graff
16:21:38 Sen. Malek
16:21:51 Sen. Barrett
16:22:05 Sen. Regier
16:22:22 Sen. Barrett

16:23:09 **Vote:** Motion carried 11-2 by roll call vote with Sen. Cuffe and Sen. Richmond voting no. Sen. Ankney voted by proxy.

16:24:26 Chair Small

Note: The committee did not make a motion to pass the bill as amended.

EXECUTIVE ACTION ON SR 6

16:25:29 **Motion/Vote:** Sen. Richmond moved that **SR 6 BE ADOPTED**. Motion carried unanimously by voice vote. Sen. Ankney voted by proxy.

EXECUTIVE ACTION ON SR 7

16:26:08 **Motion/Vote:** Sen. Phillips moved that **SR 7 BE ADOPTED**. Motion carried unanimously by voice vote. Sen. Ankney voted by proxy.

16:26:40 Chair Small

ADJOURNMENT

Adjournment:4:26 PM

_____
Jacelyn Stewart, Secretary

js

Additional Documents:

EXHIBIT(ens29aad.pdf)

Senate Energy & Telecomm.Comm.
Exhibit No. 1
Date 2/12/19
Bill No. HB 206

Hearing on HB206

"AN ACT CLARIFYING A RURAL COOPERATIVE UTILITY'S AUTHORITY TO RETAIN AND RETIRE CAPITAL CREDITS"

Montana Senate Energy and Telecommunications Committee
February 12, 2019

Testimony of Mark Hayden
General Manager
Missoula Electric Cooperative

Good afternoon, Chairman Ankney, Vice Chairs Small and McNally and Members of the Committee. My name is Mark Hayden, and I am the General Manager of Missoula Electric Cooperative (MEC). MEC is a member-owned, not-for-profit distribution co-op serving the electric needs of approximately 15,000 meters in western Montana and eastern Idaho. I also serve as the chairman of the Montana Electric Cooperative Legislative committee, which represents the interests of all 25 of Montana's electric coops and their members.

As Mr. Johnson just explained, the bill before you is in response to out-of-state entities misinterpreting our Montana laws. The language included in Montana's existing electric and telephone enabling law was based upon model language, used by multiple states across the country, when rural electric cooperatives were forming. After 80 years on the books, HB 206 will protect cooperatives and their members by clarifying this 1939 law.

The most important aspect of this bill is to clarify the allocation and retirement cycle of patronage capital, which in the existing law uses the words "distribute" and "refund." However, as you heard from Mr. Johnson, these generic words were misinterpreted. Distributing and refunding are the allocation and retirement of capital credits and this bill clarifies that cycle in greater detail.

Here is how this cycle works. After the close of each year, patronage capital is allocated. The amount allocated is the difference between the co-ops' operating revenue and its cost of doing business. Allocation is an assignment to each member based on their patronage, or their share of electricity purchases from the cooperative. Once allocated, this patronage capital is retained by the cooperative for a period of years to form the core of a co-op's equity.

This equity is needed in large part because an electric cooperative is a very capital-intensive business. Missoula Electric alone has more than $91 million in total utility plant. Maintaining adequate core equity is critical to securing the financing necessary to construct substations, powerlines and replace aging equipment, which often has a life expectancy of over 60 years. Co-op lenders require equity through their loan covenants with the co-op to protect the lender's interests, and allocated patronage capital is the primary vehicle used to meet this requirement.

The second part of this cycle regarding patronage capital is the actual payment of that capital to the members. In the bill, the term "retirement" is used to clarify this payment. As stated in the bill, retirement is the actual payment of previously allocated patronage capital to a member, and is made at the discretion of the local electric cooperative board in a manner consistent with sound business practices. How long these allocations are retained varies by cooperative and is based on the economic condition of the cooperative. In this revolving cycle, as older allocations are retired, new ones are added. Many cooperatives also offer the option to receive a discounted early retirement outside the normal cycle in limited circumstances, but this is always at the option of the member.

The process I just explained is described in detail in member-approved bylaws of each cooperative.

In summary, the original purpose of this bill when enacted in the 1930s was to ensure that Montana's Electric Cooperatives had adequate patronage capital to maintain reliability and affordability for their members, as well as secure the financing necessary to build and expand their electric distribution systems across the state. In turn, those same cooperatives have consistently allocated and retired patronage capital in a systematic and responsible manner. That commitment was true with the old language and remains unchanged with the language clarifications in HB 206.

I urge your support, and will be glad to answer any questions you may have.

Senate Energy & Telecomm.Comm.
Exhibit No. 2
Date 2/12/19
Bill No. HB 206

Testimony of Mark Johnson
General Manager
Flathead Electric Cooperative
Senate Energy and Telecommunications Committee
February 12, 2019

Mr. Chairman, Vice Chairman Small and McNally and members of the committee, thank you for the opportunity to testify in support of House Bill 206.

For the record, my name is Mark Johnson, general manager of Flathead Electric Cooperative.

Over three years ago, Flathead Electric was sued in State district court in Kalispell by the Seattle office of the firm Keller Rohrback. Keller Rohrback sent letters to former members of Flathead Electric pursuing a lawsuit against Flathead Electric and its capital credit program that has been in place since Flathead Electric's inception in 1937.

After over $1,000,000 of legal fees, over 60,000 pages of documents produced, and thousands of staff hours spent fighting this lawsuit, Flathead Electric prevailed in both State district court and on plaintiff appeal to the Montana State Supreme Court. The ruling by State District Court Judge Amy Eddy was very positive for Flathead Electric. The district court ruled in favor of Flathead Electric on the merits of the case, as well as denying the plaintiff's claim for class action because the plaintiff's claims were time barred.

The plaintiffs then appealed the case to the Montana State Supreme Court where the court did not rule on the merits of the case and only ruled in favor of Flathead Electric that the plaintiff's claims were time barred. With the Supreme Court ruling only on the time barred nature of the plaintiff's claims, Flathead Electric and all other Montana electric cooperatives are again susceptible to a similar lawsuit questioning the capital credit programs that were originally started as part of the Rural Electrification Act of 1935 and under the direction of the Rural Electrification Administration (now called the Rural Utilities Service). In order to ensure that

lawsuits that we believe to be without merit initiated by out-of-state lawyers do not occur in the future, Montana electric cooperatives are asking to revise MCA 35-18-316 to protect the members we all represent.

Some key areas of MCA 35-18-316 that require greater clarity are what was meant by "distributed" and "refund." When taken out of context – as they were in the litigation against Flathead Electric – they became very problematic.

The proposed revisions are not intended to bypass the courts and do not change what has been done by Montana electric cooperatives for decades; they simply clarify some unclear language that resulted in litigation with out-of-state law firms, resulting in litigation costs that exceeded a million dollars.

Flathead Electric has handled its capital credits correctly. If Flathead Electric had lost this lawsuit, it would have been forced to relinquish its equity making Flathead Electric immediately insolvent. Flathead Electric would then had to pay the Seattle law firm millions of our members' dollars.

Please support these meaningful revisions on behalf of Montana's electric cooperatives.

66th LEGISLATURE
2019 SESSION

Additional Documents

Business Page

Roll Call

Standing Committee Reports

Table Bills

Fiscal reports

Tabled Bills

Roll Call Votes

Proxies

Witness Statements

Informational items

Visitor Registrations

Any Document or material presented after the meeting for example@ petitions, news clippings ectara.

These documents prepared, proofed and scanned by Susie Hamilton E-Document Specialist for Senate and House for the 66th LEGISLATURE 2019 SESSION. Room 402 Capitol Hill Station, Helena Montana

BUSINESS REPORT

MONTANA SENATE
66th LEGISLATURE - REGULAR SESSION

SENATE ENERGY AND TELECOMMUNICATIONS COMMITTEE

Date: Tuesday, February 12, 2019 **Time:** 3:00 PM
Place: Capitol **Room:** 317-A

BILLS and RESOLUTIONS HEARD:

HB 206 - Clarify a rural cooperative utility's authority - Rep. Frank Garner

EXECUTIVE ACTION TAKEN:

SR 6 - Be Adopted
SR 7 - Be Adopted
SB 93 - Do Pass
SB 103 - Be Tabled
SB 190 - Be Tabled
SB 191 - Do Pass

Comments:

The committee amended SB 189, and will continue action at a later date.

SEN. Duane Ankney, Chair

MONTANA STATE SENATE

Roll Call

ENERGY & TELECOMMUNICATIONS COMMITTEE

DATE: Feb. 12. 2019

NAME	PRESENT	ABSENT/ EXCUSED
CHAIRMAN ANKNEY	✓	
VICE CHAIR SMALL	✓	
VICE CHAIR MCNALLY	✓	—
SENATOR BARRETT	✓	
SENATOR CUFFE	✓	
SENATOR GAUTHIER	✓	
SENATOR KARY	✓	
SENATOR MALEK	✓	
SENATOR PHILLIPS	✓	
SENATOR REGIER	✓	
SENATOR RICHMOND	✓	
SENATOR TEMPEL	✓	
SENATOR VUCKOVICH	✓	

SENATE STANDING COMMITTEE REPORT

February 12, 2019

Mr. President:

We, your committee on **Energy and Telecommunications** report that **Senate Bill 93** (first reading copy -- white) **do pass as amended**.

Signed: _____
Senator Duane Ankney, Chair

And, that such amendments read:

1. Page 4, line 1.
Insert: "(b) the owner furnishes documents to the department that prove the owner is responsible under the terms and conditions of a lease agreement to provide private bonding. The parties shall agree that release of the agreed upon bond is subject to the approval of the department upon completion of reclamation."
Renumber: subsequent subsections

- END -

Committee Vote:
Yes 8, No 5
Fiscal Note Required X

SB0093002SC.slk

SENATE STANDING COMMITTEE REPORT

February 12, 2019

Mr. President:

We, your committee on **Energy and Telecommunications** report that **Senate Bill 191** (first reading copy -- white) **do pass**.

Signed: _____
Senator Duane Ankney, Chair

- END -

Committee Vote:
Yes 13, No 0
Fiscal Note Required __

SB0191002SC.slk

COMMITTEE FILE COPY

BILL TABLED NOTICE

SENATE ENERGY AND TELECOMMUNICATIONS COMMITTEE

The **SENATE ENERGY AND TELECOMMUNICATIONS COMMITTEE** TABLED

SB 103 - Revise laws on PSC regulation of municipalities - Sen. Roger Webb
SB 190 - Establish targets, reporting, and monitoring for CO2 emissions - Sen. Mike Phillips

by motion, on **Tuesday, February 12, 2019** (PLEASE USE THIS ACTION DATE IN LAWS BILL STATUS).

Jacelyn Stewart
(For the Committee)

(For the Secretary of the Senate)

10:35a / 2/13
(Time) (Date)

February 13, 2019 (10:28am) Jacelyn Stewart, Secretary Phone: 444-1527

SENATE STANDING COMMITTEE REPORT

February 12, 2019

Mr. President:

We, your committee on **Energy and Telecommunications** report that **Senate Resolution 6** (first reading copy -- white) **be adopted**.

Signed: _____
Senator Duane Ankney, Chair

- END -

Committee Vote:
Yes 13, No 0
Fiscal Note Required __

SR0006002SC.slk

SENATE STANDING COMMITTEE REPORT

February 12, 2019

Mr. President:

We, your committee on **Energy and Telecommunications** report that **Senate Resolution 7** (first reading copy -- white) **be adopted**.

Signed: _____
Senator Duane Ankney, Chair

- END -

Committee Vote:
Yes 13, No 0
Fiscal Note Required __

SR0007002SC.slk

MONTANA STATE SENATE

Roll Call Vote

ENERGY & TELECOMMUNICATIONS COMMITTEE

DATE 2/12/2019 BILL NO SB93 MOTION NO.

MOTION: Amendment SB009301.ATG

NAME	AYE	NAY	If Proxy Vote, check here & include signed Proxy Form with minutes
VICE CHAIR SMALL		✓	
VICE CHAIR MCNALLY	✓		
SENATOR BARRETT	✓		
SENATOR CUFFE		✓	
SENATOR GAUTHIER		✓	
SENATOR KARY		✓	
SENATOR MALEK	✓		
SENATOR PHILLIPS	✓		
SENATOR REGIER		✓	
SENATOR RICHMOND		✓	
SENATOR TEMPEL		✓	
SENATOR VUCKOVICH	✓		
CHAIRMAN ANKNEY		✓	
13 Members			
	5	8	

MONTANA STATE SENATE

Roll Call Vote

ENERGY & TELECOMMUNICATIONS COMMITTEE

DATE 2/12/19 BILL NO SB93 MOTION NO.

MOTION: Amendment SB009302.ATG

NAME	AYE	NAY	If Proxy Vote, check here & include signed Proxy Form with minutes
VICE CHAIR SMALL	✓		
VICE CHAIR MCNALLY		✓	
SENATOR BARRETT		✓	
SENATOR CUFFE	✓		
SENATOR GAUTHIER	✓		
SENATOR KARY	✓		
SENATOR MALEK		✓	
SENATOR PHILLIPS	✓		
SENATOR REGIER	✓		
SENATOR RICHMOND	✓		
SENATOR TEMPEL	✓		
SENATOR VUCKOVICH		✓	
CHAIRMAN ANKNEY	✓		
13 Members			

MONTANA STATE SENATE

Roll Call Vote

ENERGY & TELECOMMUNICATIONS COMMITTEE

DATE 2/12/19 BILL NO SB93 MOTION NO.

MOTION: Do Pass as Amended

NAME	AYE	NAY	If Proxy Vote, check here & include signed Proxy Form with minutes
VICE CHAIR SMALL	✓		
VICE CHAIR MCNALLY		✓	
SENATOR BARRETT		✓	
SENATOR CUFFE	✓		
SENATOR GAUTHIER	✓		
SENATOR KARY	✓		
SENATOR MALEK		✓	
SENATOR PHILLIPS		✓	
SENATOR REGIER	✓		
SENATOR RICHMOND	✓		
SENATOR TEMPEL	✓		
SENATOR VUCKOVICH		✓	
CHAIRMAN ANKNEY	✓		
13 Members			

MONTANA STATE SENATE

Roll Call Vote

ENERGY & TELECOMMUNICATIONS COMMITTEE

DATE 2/12/19 BILL NO SB190 MOTION NO.

MOTION: Amendment SB019002.ATG

NAME	AYE	NAY	If Proxy Vote, check here & include signed Proxy Form with minutes
VICE CHAIR SMALL	✓		
VICE CHAIR MCNALLY	✓		
SENATOR BARRETT	✓		
SENATOR CUFFE	✓		
SENATOR GAUTHIER	✓		
SENATOR KARY	✓		
SENATOR MALEK	✓		
SENATOR PHILLIPS	✓		
SENATOR REGIER	✓		
SENATOR RICHMOND	✓		
SENATOR TEMPEL	✓		
SENATOR VUCKOVICH		✓	
CHAIRMAN ANKNEY		✓	
13 Members			

MONTANA STATE SENATE

Roll Call Vote

ENERGY & TELECOMMUNICATIONS COMMITTEE

DATE 2/12/2019 BILL NO SB 190 MOTION NO.

MOTION: Do Pass as Amended

NAME	AYE	NAY	If Proxy Vote, check here & include signed Proxy Form with minutes
VICE CHAIR SMALL		✓	
VICE CHAIR MCNALLY	✓		
SENATOR BARRETT	✓		
SENATOR CUFFE		✓	
SENATOR GAUTHIER		✓	
SENATOR KARY		✓	
SENATOR MALEK	✓		
SENATOR PHILLIPS	✓		
SENATOR REGIER		✓	
SENATOR RICHMOND		✓	
SENATOR TEMPEL		✓	
SENATOR VUCKOVICH		✓	
CHAIRMAN ANKNEY		✓	
13 Members			

MONTANA STATE SENATE

Roll Call Vote

ENERGY & TELECOMMUNICATIONS COMMITTEE

DATE 2/12/19 BILL NO SB 190 MOTION NO.

MOTION: table SB 190

NAME	AYE	NAY	If Proxy Vote, check here & include signed Proxy Form with minutes
VICE CHAIR SMALL	✓		
VICE CHAIR MCNALLY	✓		
SENATOR BARRETT		✓	
SENATOR CUFFE	✓		
SENATOR GAUTHIER	✓		
SENATOR KARY	✓		
SENATOR MALEK		✓	
SENATOR PHILLIPS		✓	
SENATOR REGIER	✓		
SENATOR RICHMOND	✓		
SENATOR TEMPEL	✓		
SENATOR VUCKOVICH		✓	
CHAIRMAN ANKNEY	✓		
13 Members			

MONTANA STATE SENATE

Roll Call Vote

ENERGY & TELECOMMUNICATIONS COMMITTEE

DATE 2/12/19 BILL NO SB 103 MOTION NO.

MOTION: Move Amendment. SB010301-ASM

NAME	AYE	NAY	If Proxy Vote, check here & include signed Proxy Form with minutes
VICE CHAIR SMALL	✓		
VICE CHAIR MCNALLY		✓	
SENATOR BARRETT		✓	
SENATOR CUFFE	✓		
SENATOR GAUTHIER	✓		
SENATOR KARY	✓		
SENATOR MALEK		✓	
SENATOR PHILLIPS		✓	
SENATOR REGIER	✓		
SENATOR RICHMOND	✓		
SENATOR TEMPEL	✓		
SENATOR VUCKOVICH		✓	
CHAIRMAN ANKNEY	✓		
13 Members			

MONTANA STATE SENATE

Roll Call Vote

ENERGY & TELECOMMUNICATIONS COMMITTEE

DATE 2/12/19 BILL NO SB103 MOTION NO.

MOTION: Table

NAME	AYE	NAY	If Proxy Vote, check here & include signed Proxy Form with minutes
VICE CHAIR SMALL	✓		
VICE CHAIR MCNALLY	✓		
SENATOR BARRETT	✓		
SENATOR CUFFE		✓	
SENATOR GAUTHIER	✓		
SENATOR KARY		✓	
SENATOR MALEK	✓		
SENATOR PHILLIPS	✓		
SENATOR REGIER		✓	
SENATOR RICHMOND		✓	
SENATOR TEMPEL	✓		
SENATOR VUCKOVICH	✓		
CHAIRMAN ANKNEY		✓	
13 Members			

MONTANA STATE SENATE

Roll Call Vote

ENERGY & TELECOMMUNICATIONS COMMITTEE

DATE 2/12/19 BILL NO SB189 MOTION NO.

MOTION: Amendment SB018901.AMM.

NAME	AYE	NAY	If Proxy Vote, check here & include signed Proxy Form with minutes
VICE CHAIR SMALL	✓		
VICE CHAIR MCNALLY	✓		
SENATOR BARRETT	✓		
SENATOR CUFFE		✓	
SENATOR GAUTHIER	✓		
SENATOR KARY	✓		
SENATOR MALEK	✓		
SENATOR PHILLIPS	✓		
SENATOR REGIER	✓		
SENATOR RICHMOND		✓	
SENATOR TEMPEL	✓		
SENATOR VUCKOVICH	✓		
CHAIRMAN ANKNEY	✓		Proxy
[redacted]			
13 Members			

SENATE PROXY

I, Senator Diane Ankney, hereby authorize Senator Jason Smith to vote my proxy before the Senate _____ meeting held on _____, 2017.

Senator Signature

1/12/17
Date

Said authorization is as follows: *(mark only one)*

- ☐ All votes, including amendments.
- ☐ All votes as directed below on the listed bills, and all other votes.
- ☐ Votes only as directed below.

Bill No./Amendment No.	Aye	No
SB0189 01 . AMN	X	
SR 6	X	
SR 7	X	

MONTANA STATE SENATE
Visitors Register
SENATE ENERGY AND TELECOMMUNICATIONS COMMITTEE

Tuesday, February 12, 2019
HB 206 - Clarify a rural cooperative utility's authority
Sponsor: **Rep. Frank Garner**

PLEASE PRINT

Name	Representing	Support	Oppose	Info
MERLE RAPP	MECA - Marias River Elec Co	X		
Mark Johnson	"	✓		
DOUG HARDY	MECA "	X		
Mark Hayden	MECA - Missoula Eletric	X		
Geoff Feiss	MT Telecom Assn	✓		

Please leave prepared testimony with Secretary. Witness Statement forms are available if you care to submit written testimony.

MINUTES

MONTANA SENATE
66th LEGISLATURE - REGULAR SESSION

COMMITTEE ON ENERGY AND TELECOMMUNICATIONS

Call to Order: Vice Chair Jason Small, on February 14, 2019 at 3:00 PM, in Room 422 Capitol

ROLL CALL

Members Present:

Sen. Duane Ankney, Chair (R)
Sen. Mary McNally, Vice Chair (D)
Sen. Jason D. Small, Vice Chair (R)
Sen. Dick Barrett (D)
Sen. Mike Cuffe (R)
Sen. Terry Gauthier (R)
Sen. Douglas (Doug) Kary (R)
Sen. Sue Malek (D)
Sen. Keith Regier (R)
Sen. Tom Richmond (R)
Sen. Russel (Russ) Tempel (R)
Sen. Gene Vuckovich (D)

Members Excused: Sen. Mike Phillips (D)

Members Absent: None

Staff Present: Trevor Graff, Legislative Branch
Jacelyn Stewart, Committee Secretary

Audio Committees: These minutes are in outline form only. They provide a list of participants and a record of official action taken by the committee. The link to the audio recording of the meeting is available on the Legislative Branch website.

Committee Business Summary:

Hearing & Date Posted: SB 188, 2/12/2019; SB 199, 2/13/2019

Executive Action: HB 206 - Be Concurred In

HEARING ON SB 188

Opening Statement by Sponsor:
15:02:41 Sen. Sue Malek (D), SD 46, opened the hearing on SB 188, Revise electricity supply resource planning and acquisition.
EXHIBIT(ens31a01)

Sen. Kary entered the meeting.

Proponents' Testimony:
15:17:16 Robin Arnold, Public Service Commission
15:18:04 Diego Rivas, senior policy associate, NW Energy Coalition

Sen. Ankney entered the meeting and assumed the duties of the chair.

15:22:58 Brian Fadie, Montana Environmental Information Center (MEIC)

Sen. McNally entered the meeting.

15:29:07 Cody Ferguson, Northern Plains Resource Council
15:30:42 Bob Nelson, Montana Consumer Counsel

Opponents' Testimony:
15:32:20 David Hoffman, NorthWestern Energy (NWE)

Sen. Cuffe left the meeting.

Informational Testimony: None

Questions from Committee Members and Responses:
15:38:42 Chair Ankney
15:39:12 Sen. Malek
15:39:30 Sen. Richmond
15:41:07 Mr. Hoffman, NWE
15:41:26 Sen. Richmond
15:41:47 Sen. Malek
15:42:26 Sen. Regier
15:43:01 Mr. Hoffman
15:43:20 Sen. McNally
15:46:50 Mr. Hoffman

Closing by Sponsor:
15:47:19 Sen. Malek

HEARING ON SB 199

Opening Statement by Sponsor:
15:52:42 Sen. Tom Richmond (R), SD 28, opened the hearing on SB 199, Prohibit PSC from altering certain contract lengths.

Proponents' Testimony:
15:55:49 David Hoffman, NorthWestern Energy

Opponents' Testimony:
15:59:09 Robin Arnold, Public Service Commission
16:00:26 Diego Rivas, senior policy associate, NW Energy Coalition
16:04:29 Brian Fadie, Montana Environmental Information Center
16:07:55 Jeff Fox, Renewable Northwest

Informational Testimony: None

Questions from Committee Members and Responses: None

Closing by Sponsor:
16:10:06 Sen. Richmond

EXECUTIVE ACTION ON HB 206

16:12:37 **Motion/Vote:** Sen. Small moved that **HB 206 BE CONCURRED IN**. Motion carried 12-0 by voice vote. Sen. Cuffe voted by proxy. Sen. Blasdel will carry the bill.

ADJOURNMENT

Adjournment: 4:15 PM

_____
Jacelyn Stewart, Secretary

js

Additional Documents:

EXHIBIT(ens31aad.pdf)

66th LEGISLATURE
2019 SESSION

Additional Documents

Business Page

Roll Call

Standing Committee Reports

Table Bills

Fiscal reports

Tabled Bills

Roll Call Votes

Proxies

Witness Statements

Informational items

Visitor Registrations

Any Document or material presented after the meeting for example@ petitions, news clippings ectara.

These documents prepared, proofed and scanned by Susie Hamilton E-Document Specialist for Senate and House for the 66th LEGISLATURE 2019 SESSION. Room 402 Capitol Hill Station, Helena Montana

BUSINESS REPORT

MONTANA SENATE
66th LEGISLATURE - REGULAR SESSION

SENATE ENERGY AND TELECOMMUNICATIONS COMMITTEE

Date: Thursday, February 14, 2019 **Time:** 3:00 PM
Place: Capitol **Room:** 422

BILLS and RESOLUTIONS HEARD:

SB 188 - Revise electricity supply resource planning and acquisition - Sen. Sue Malek
SB 199 - Prohibit PSC from altering certain contract lengths - Sen. Tom Richmond

EXECUTIVE ACTION TAKEN:

HB 206 - Be Concurred In

Comments:

SEN. Diane Ankney, Chair

MONTANA STATE SENATE

Roll Call

ENERGY & TELECOMMUNICATIONS COMMITTEE

DATE: 2/14/2019

NAME	PRESENT	ABSENT/ EXCUSED
CHAIRMAN ANKNEY		✓
VICE CHAIR SMALL	✓	
VICE CHAIR MCNALLY		✓
SENATOR BARRETT	✓	
SENATOR CUFFE	✓	
SENATOR GAUTHIER	✓	
SENATOR KARY		✓
SENATOR MALEK	✓	
SENATOR PHILLIPS		✓
SENATOR REGIER	✓	
SENATOR RICHMOND	✓	
SENATOR TEMPEL	✓	
SENATOR VUCKOVICH	✓	

SENATE STANDING COMMITTEE REPORT

Mr. President:

We, your committee on **Energy and Telecommunications** report that **House Bill 206** (third reading copy -- blue) **be concurred in**.

Signed: _____
Senator Duane Ankney, Chair

To be carried by Senator Mark Blasdel

- END -

Committee Vote:
Yes 12, No 0
Fiscal Note Required __

HB0206001SC13790.slk

SENATE PROXY

I, Senator Mike Cuffe, hereby authorize Senator Jason Small to vote my proxy before the Senate Energy & Telecommunications meeting held on Feb 14, 2019.

Mike Cuffe
Senator Signature

Feb. 14, 2019
Date

Said authorization is as follows: *(mark only one)*

- ☐ All votes, including amendments.
- ☐ All votes as directed below on the listed bills, and all other votes.
- ☐ Votes only as directed below.

Bill No./Amendment No.	Aye	No
HB 206	X	

MONTANA STATE SENATE
Visitors Register
SENATE ENERGY AND TELECOMMUNICATIONS COMMITTEE

Thursday, February 14, 2019
SB 188 - Revise electricity supply resource planning and acquisition
Sponsor: **Sen. Sue Malek**

PLEASE PRINT

Name	Representing	Support	Oppose	Info
Brian Fadie	MEIC	X		
Cody Ferguson	NPRC	X		
Whitney Tawney	MCV	X		
Bill Mclan	Montana Consumer Council	X		
Diego Rivas	NWEC	X		
Robin Arnold	PSC	X		
David Hoffman	NWE		X	
Susie Hamilton	self	X	~~X~~	

Please leave prepared testimony with Secretary. Witness Statement forms are available if you care to submit written testimony.

MONTANA STATE SENATE
Visitors Register
SENATE ENERGY AND TELECOMMUNICATIONS COMMITTEE

Thursday, February 14, 2019
SB 199 - Prohibit PSC from altering certain contract lengths
Sponsor: **Sen. Tom Richmond**

PLEASE PRINT

Name	Representing	Support	Oppose	Info
Brian Fadie	MEIC		X	
Diego Rivas	NWEC		X	
Robin Arnold	PSC		X	
David Hoffman	NWE	X		

Please leave prepared testimony with Secretary. Witness Statement forms are available if you care to submit written testimony.

SENATE JOURNAL
66TH LEGISLATURE
THIRTY-FOURTH LEGISLATIVE DAY

Helena, Montana — Senate Chambers
February 18, 2019 — State Capitol

Senate convened at 1:01 p.m. President Sales presiding. Invocation by Senator Lang. Pledge of Allegiance to the Flag.

Roll Call. All members present. Quorum present.

BILLS AND JOURNALS (Keenan, Chair): 2/18/2019
Correctly printed: **SB 35**, **SB 40**, **SB 72**, **SB 116**, **SB 127**, **SB 130**, **SB 197**, **SB 231**, **SB 273**, **SB 274**, **SR 12**, **SR 30**, **SR 32**, **SR 33**, **HB 45**, **HB 123**, **HB 124**, **HB 200**.
Correctly engrossed: **SB 53**, **SB 162**, **SB 184**, **SB 232**.
Correctly enrolled: **SR 6**, **SR 7**.
Transmitted to the House: **SB 108**, **SB 165**, **SB 167**, **SB 168**, **SB 191**, **SB 205**, **HB 64**, **HB 66**, **HB 67**, **HB 71**, **HB 72**, **HB 74**, **HB 84**, **HB 88**, **HB 91**, **HB 107**, **HB 108**, **HB 110**, **HB 136**, **HB 159**, **HB 175**.
Signed by the Speaker at 10:19 a.m., February 18, 2019: **SJ 1**.

MESSAGES FROM THE GOVERNOR

February 15, 2019

The Honorable Scott Sales
President, Montana State Senate
Capitol Station
Helena, MT 59620

By Electronic Delivery

Dear President Sales:

In accordance with Montana Code Annotated 5-5-302, I submit to you and the Montana Senate the included list of board, council and commission appointments for confirmation.

I have included the appropriate statutes and appointees' resumes, biography or other qualification documentation for your consideration.

Stacey Otterstrom, my Boards and Appointments Advisor is available as these appointments move through the confirmation process. She can be reached at (406) 444-4405 or by email at sotterstrom@mt.gov.

Sincerely,

STEVE BULLOCK
Governor

FIRST READING AND COMMITMENT OF BILLS

The following Senate bills were introduced, read first time, and referred to committees:

SB 275, introduced by A. Olszewski, F. Anderson, D. Ankney, D. Bartel, B. Beard, D. Bedey, S. Berglee, M. Blasdel, K. Bogner, C. Boland, B. Brown, D. Brown, Z. Brown, M. Caferro, J. Cohenour, M. Cuffe, G. Custer, G. DeVries, A. Doane, J. Dooling, K. Dudik, D. Dunn, M. Dunwell, N. Duram, J. Ellis, J. Ellsworth, J. Esp, J. Fielder, R. Fitzgerald, S. Fitzpatrick, F. Fleming, J. Fuller, M. Funk, W. Galt, R. Garcia, F. Garner, T. Gauthier, B. Gillespie, C. Glimm, S. Greef, J. Gross, S. Gunderson, B. Hamlett, S. Hinebauch, M. Hopkins, B. Hoven, D. Howard, J. Karjala, D. Kary, J. Kassmier, J. Keane, B. Keenan, K. Kelker, C. Knudsen, R. Knudsen, J. Krautter, M. Lang, D. Lenz, D. Loge, R. Lynch, M. MacDonald, S. Malek, T. Manzella, E. McClafferty, N. McConnell, W. McKamey, M. McNally, B. Mercer, F. Moore, T. Moore, D. Mortensen, M. Noland, J. Pomnichowski, J. Read, K. Regier, M. Regier, V. Ricci, T. Richmond, W. Sales, D. Salomon, D. Sands, J. Sesso, L. Sheldon-Galloway, D. Skees, J. Small, C. Smith, R. Tempel, F. Thomas, B. Tschida, B. Usher, S. Vinton, P. Webb, R. Webb, S. Webber, J. Welborn, T. Welch, K. White, D. Zolnikov, referred to State Administration.
SB 276, introduced by R. Webb, referred to Judiciary.
SB 277, introduced by R. Webb, referred to State Administration.

The following Senate joint resolution was introduced, read first time, and referred to committee:

SJ 12, introduced by M. Cuffe, N. Duram, S. Gunderson, referred to Judiciary.

The following Senate bill was introduced and read first time:

SB 278, introduced by T. Richmond, D. Ankney.

The following Senate bills, previously introduced, were referred to committees:

SB 272, introduced by S. Hinebauch, K. Bogner, C. Knudsen, R. Knudsen, J. Krautter, M. Lang, R. Peppers, B. Smith, F. Smith, referred to Business, Labor, and Economic Affairs.
SB 273, introduced by D. Sands, G. Vance, referred to Judiciary.
SB 274, introduced by A. Olszewski, referred to Public Health, Welfare and Safety.

SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)

Majority Leader Thomas moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Jacobson in the chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

SB 78 - Senator McNally moved **SB 78** do pass. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Mr President, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn.
Total 50

Nays: None.
Total 0

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

Majority Leader Thomas moved that **SB 184** be passed for the day and that **SB 176**, **SB 177**, and **SB 223** be moved to the bottom of the board. Without objection, so ordered.

SB 132 - Senator K. Regier moved **SB 132** do pass. Motion carried as follows:

Yeas: Ankney, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Mr President, Olszewski, Osmundson, Phillips, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn.
Total 46

Nays: Barrett, Bennett, Ellis, Pomnichowski.
Total 4

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 139 - Senator Lang moved **SB 139** do pass.

SB 139 - Senator Lang moved **SB 139**, second reading copy, be amended as follows:

1. Page 2, line 4.
Following: "(e)"
Insert: "by September 15 of each even-numbered year,"

2. Page 2, line 5.
Strike: "each legislative session"
Insert: ", as provided in 5-11-210,"

Amendment **adopted** as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Mr President, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn.
Total 50

Nays: None.
Total 0

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 139 - As amended, **SB 139** passed as follows:

Yeas: Ankney, Blasdel, Bogner, Brown, Cuffe, Ellsworth, Esp, Fielder, Fitzpatrick, Gauthier, Gillespie, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, McClafferty, Mr President, Olszewski, Osmundson, Phillips, Regier, Richmond, Salomon, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Welborn.
Total 34

Nays: Barrett, Bennett, Boland, Cohenour, Ellis, Flowers, Gross, Jacobson, MacDonald, Malek, McConnell, McNally, Pomnichowski, Sands, Sesso, Webber.
Total 16

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 93 - Senator Richmond moved **SB 93** do pass. Motion carried as follows:

Yeas: Ankney, Blasdel, Bogner, Brown, Cuffe, Ellsworth, Esp, Fielder, Fitzpatrick, Gauthier, Gillespie, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, Mr President, Olszewski, Osmundson, Regier, Richmond, Salomon, Small, Smith C, Smith F, Tempel, Thomas, Vance, Webb, Welborn.
Total 31

Nays: Barrett, Bennett, Boland, Cohenour, Ellis, Flowers, Gross, Jacobson, MacDonald, Malek, McClafferty, McConnell, McNally, Phillips, Pomnichowski, Sands, Sesso, Vuckovich, Webber.
Total 19

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 50 - Senator Bogner moved **HB 50** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Mr President, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn.
Total 50

Nays: None.
Total 0

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.

Total 0

HB 51 - Senator Lang moved **HB 51** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Mr President, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn.
Total 50

Nays: None.
Total 0

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 102 - Senator Olszewski moved **HB 102** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Mr President, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn.
Total 50

Nays: None.
Total 0

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 163 - Senator Malek moved **HB 163** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Mr President, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn.
Total 50

Nays: None.
Total 0

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 196 - Senator Gauthier moved **HB 196** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Mr President, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn.
Total 50

Nays: None.
Total 0

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 206 - Senator Blasdel moved **HB 206** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally,

Mr President, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn.
Total 50

Nays: None.
Total 0

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 43 - Senator Fielder moved **HB 43** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Mr President, Olszewski, Osmundson, Phillips, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn.
Total 48

Nays: McConnell, Pomnichowski.
Total 2

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 143 - Senator Cohenour moved **HB 143** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Mr President, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn.
Total 50

Nays: None.
Total 0

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 201 - Senator Tempel moved **HB 201** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Mr President, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn.
Total 50

Nays: None.
Total 0

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

President Sales assumed the chair.

SB 176 - Senator Jacobson moved **SB 176** do pass. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Mr President, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn.
Total 50

Nays: None.

Total 0

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 177 - Senator Jacobson moved **SB 177** do pass. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Jacobson, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Mr President, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn.
Total 47

Nays: Ellsworth, Howard, Kary.
Total 3

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 223 - Senator Jacobson moved **SB 223** do pass. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Mr President, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn.
Total 50

Nays: None.
Total 0

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

Majority Leader Thomas moved the committee **rise and report**. Motion carried. Committee arose. Senate resumed. President Sales presiding.

Senator Jacobson moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Mr President, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn.
Total 50

Nays: None.
Total 0

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

MOTIONS

Majority Leader Thomas moved that **SB 93**, heard on second reading this date, be re-referred to the Finance and Claims Committee. Without objection, so ordered.

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

SB 35 passed as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis,

Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Thomas, Vance, Vuckovich, Webb, Webber, Welborn.
Total 46

Nays: Keenan, Lang, Mr President, Tempel.
Total 4

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 40 passed as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Boland, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vuckovich, Webb, Webber, Welborn.
Total 44

Nays: Bogner, Brown, Fielder, Lang, Mr President, Vance.
Total 6

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 72 passed as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Mr President, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn.

Total 50

Nays: None.
Total 0

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 116 passed as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Mr President, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn.
Total 50

Nays: None.
Total 0

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 127 passed as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Hinebauch, Howard, Jacobson, Kary, MacDonald, Malek, McClafferty, McConnell, McNally, Mr President, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Thomas, Vance, Vuckovich, Webber, Welborn.
Total 43

Nays: Esp, Gross, Hoven, Keenan, Lang, Tempel, Webb.
Total 7

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 130 passed as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Mr President, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn.
Total 49

Nays: Brown.
Total 1

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 197 passed as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Mr President, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn.
Total 50

Nays: None.
Total 0

Paired: None.

Excused: None.

Total 0

Absent or not voting: None.
Total 0

HB 123 concurred in as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Mr President, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn.
Total 49

Nays: Keenan.
Total 1

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 124 concurred in as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Mr President, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn.
Total 50

Nays: None.
Total 0

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.

Total 0

HB 200 concurred in as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Mr President, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn.
Total 49

Nays: Cuffe.
Total 1

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SPECIAL ORDERS OF THE DAY

Senator Fitzpatrick introduced the Pages for the coming week:

Kate Bick from Bozeman, sponsored by Senator McNally
Daniel Brennon from Great Falls, sponsored by Senator Fitzpatrick
Ethan Foss from Hamilton, sponsored by Senator Ellsworth
Tyler Glenn from Hamilton, sponsored by Senator Thomas
Aaliyah Green from Billings, sponsored by Senator Richmond
Parker Klaske from Billings, sponsored by Senator Kary

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Majority Leader Thomas moved the Senate adjourn until 1:00 p.m., Tuesday, February 19, 2019, the thirty-fifth legislative day. Motion carried.

Senate adjourned at 2:38 p.m.

MARILYN MILLER
Secretary of the Senate

SCOTT SALES
President of the Senate

SENATE JOURNAL
66TH LEGISLATURE
THIRTY-FIFTH LEGISLATIVE DAY

Helena, Montana — Senate Chambers
February 19, 2019 — State Capitol

Senate convened at 1:00 p.m. President Sales presiding. Invocation by Senator Gillespie. Pledge of Allegiance to the Flag.

Roll Call. All members present. Quorum present.

BILLS AND JOURNALS (Keenan, Chair): 2/19/2019
Mr. President: We, your committee on Bills and Journals, having examined the daily journals for the twenty-sixth through the thirtieth legislative days, find the same to be correct.

Correctly printed: **SB 78**, **SB 93**, **SB 132**, **SB 176**, **SB 177**, **SB 223**, **SB 275**, **SB 276**, **SB 277**, **SB 278**, **SJ 12**, **HB 43**, **HB 50**, **HB 51**, **HB 102**, **HB 143**, **HB 163**, **HB 196**, **HB 201**, **HB 206**.
Correctly engrossed: **SB 139**, **SB 155**, **SB 217**, **SJ 9**, **HB 55**.
Examined by the sponsor and found to be correct: **SR 6**, **SR 7**.
Transmitted to the House: **SB 35**, **SB 40**, **SB 72**, **SB 116**, **SB 127**, **SB 130**, **SB 197**, **HB 123**, **HB 124**, **HB 200**.
Delivered to the Secretary of State at 9:00 a.m., February 19, 2019: **SR 21**, **SR 22**, **SR 23**, **SR 25**.
Delivered to the Secretary of State at 9:05 a.m., February 19, 2019: **SJ 1**.

Sergeant-at-Arms Spencer escorted Katie Ross, Montana's representative in the Children's Miracle Network Hospitals' program, into the Senate chamber. President Sales read the following proclamation:

A PROCLAMATION OF THE MONTANA LEGISLATURE
COMMENDING AND RECOGNIZING
KATIE ROSS

KATIE ROSS, A 17-YEAR-OLD GARDINER GIRL,
HAS BEEN TREATED AT SHODAIR CHILDREN'S HOSPITAL. HER
ENTHUSIASM, DETERMINATION, AND SPIRIT HAVE SUSTAINED
HER AND HER FAMILY THROUGHOUT SIGNIFICANT HEALTH CHALLENGES
RESULTING FROM A RARE GENETIC CONDITION.

WHEREAS, Shodair Children's Hospital is Montana's Children's Miracle Network Hospital. The Children's Miracle Network Hospitals, the international alliance of premier children's hospitals in the United States and abroad, spotlights the heroic battles of children like Katie with varied illnesses and health challenges; and

WHEREAS, Katie Ross will represent Montana in the Children's Miracle Network Hospitals' program honoring remarkable children who have encountered severe medical conditions and

have endured to inspire others; and

WHEREAS, Katie has a rare genetic condition, only experienced by less than 100 people worldwide, yet even rarer is her determination and indomitable spirit to live as an active and vibrant 17-year-old Montanan despite her health challenges;

WHEREAS, Katie has been selected for her courage, tenacity and perseverance as the sole representative of children's genetic conditions in the state of Montana, and an ambassador for the 18 million children treated each year at Children's Miracle Network Hospitals.

NOW THEREFORE BE IT RESOLVED by the 66th Montana Legislature that the members of this body honor Katie Ross for her spirit and inspiration in the face of significant medical challenges, and convey to her their sincere wishes for memorable experiences during her year as Montana's Champion.

Signed by: Scott Sales, President of the Senate
Greg Hertz, Speaker of the House

REPORTS OF STANDING COMMITTEES

BUSINESS, LABOR, AND ECONOMIC AFFAIRS (Fitzpatrick, Chair): 2/19/2019
SB 221, introduced bill, be amended as follows:

1. Page 1, line 15 through line 19.
Strike: subsection (1)(c) through subsection (1)(d) in their entirety
Renumber: subsequent subsections

2. Page 1, line 25 through line 26.
Strike: "animals" on line 25 through "tusks" on line 26
Insert: "elephants"

3. Page 2, line 7 through line 8.
Strike: "any animal" on line 7 through "mammoth" on line 8
Insert: "an elephant"

4. Page 3, line 14 through line 16.
Strike: subsection (b) in its entirety
Insert: "(b) ivory or rhinoceros horn that is part of a knife or firearm and is a fixed or integral part of the knife or firearm, that originated in the United States or was legally imported, and for which the owner can provide documentation that the knife or firearm was legally acquired;"

And, as amended, do pass.

SB 234, introduced bill, be amended as follows:

1. Page 1, line 24.
Following: "plan No. 3."
Insert: "The department shall elect a plan that insures all state agencies. If the department elects workers' compensation insurance coverage under compensation plan No. 2, the insurer must have an A financial strength rating from a major financial services entity."

2. Page 2, line 19.
Following: "plan No. 3."
Insert: "The department shall elect a plan that insures all state agencies. If the department elects workers' compensation insurance coverage under compensation plan No. 2, the insurer must have an A financial strength rating from a major financial services entity."

3. Page 7, line 11.
Strike: "1 and 2"
Insert: "2 and 3"

4. Page 7, line 13.
Strike: "1 and 2"
Insert: "2 and 3"

And, as amended, do pass.

HB 35, be amended as follows:

1. Page 6, line 16.
Following: line 15
Insert: "(c) If any new retail beer licenses are allowed by license transfers as provided in subsection (2)(a), the department may publish the availability of more than one new license a year until the quota has been reached."

2. Page 13, line 3.
Following: "(5)"
Insert: "(a)"

3. Page 13, line 8.
Following: line 7
Insert: "(b) If any new all-beverages licenses are allowed by license transfers as provided in subsection (4), the department may publish the availability of more than one new license a year until the quota has been reached."

4. Page 13, line 8.

Following: "SUBSECTION (5)"
Insert: "(a)"

5. Page 30, line 15.
Following: line 14
Insert: "(c) If any new restaurant beer and wine licenses are allowed by license transfers as provided in subsection (9)(a), the department may publish the availability of more than one new license a year until the quota has been reached."

And, as amended, be concurred in.

HB 65, be amended as follows:

1. Page 1, line 22.
Following: "whom any"
Insert: "legal"

2. Page 1, line 28.
Following: "must be made public in a"
Insert: "readily accessible"

3. Page 1, line 30.
Following: "(4) Service"
Strike: "of process"
Following: "by"
Insert: "certified"
Following: "an insurer"
Strike: "is valid"
Insert: "constitutes"
Following: "service"
Insert: "of legal process"

4. Page 2, line 6.
Strike: "of process"

5. Page 2, line 7.
Following: "by"
Insert: "certified"
Following: "such agent"
Strike: "is valid"
Insert: "constitutes"
Following: "service"
Insert: "of legal process"
Following: "upon the"

Strike: "company"
Insert: "insurer"

6. Page 2, line 13.
Following: line 12
Insert: "(9) When legal process is served pursuant to this section, the insurer must appear, answer, or plead within 30 days, exclusive of the date of mailing, after the date of the certified mailing or be subject to the laws of this state regarding default judgment.
(10) For the purposes of this section:
(a) "certified mail" means a method of sending by common carrier with tracking capability; and
(b) "legal process" means a summons and complaint."

7. Page 2, line 18.
Following: "desiring to serve"
Insert: "legal"

8. Page 2, line 24.
Following: "the commissioner shall"
Insert: "promptly"
Following: "serve"
Insert: "the legal"

9. Page 2, line 25.
Following: "or demand by"
Strike: "regular"
Insert: "certified"

10. Page 2, line 26.
Following: "Service"
Insert: "by the commissioner"

11. Page 2, line 26 through line 27.
Following: "upon the insurer" on line 26
Strike: "is deemed" on line 26 through "demand" on line 27
Insert: "by certified mail constitutes service of legal process on that insurer"

12. Page 2, line 28.
Strike: "completes"
Insert: "serves"

13. Page 2, line 29.
Following: line 29
Insert: "(3) When legal process is served pursuant to this section, the insurer must appear, answer, or plead within 30 days, exclusive of the date of mailing, after the date of the

certified mailing or be subject to the laws of this state regarding default judgment.

(4) For purposes of this section:

(a) "certified mail" means a method of sending by common carrier with tracking capability; and

(b) "legal process" means a summons and complaint."

And, as amended, be concurred in.

HB 92, be concurred in.

JUDICIARY (Regier, Chair): 2/19/2019

SB 155, introduced bill, be amended as follows:

1. Title, page 1, line 6.
Following: "SECTIONS"
Insert: "39-51-2111, 40-4-219, 40-15-116, 41-3-102, 42-2-608,"
Strike: "45-5-507, AND"
Following: "45-5-625,"
Insert: "45-8-221, 46-1-502, 46-4-307, 46-18-219, 46-18-231, 46-18-1001, AND 52-3-803,"

2. Page 1, line 8.
Following: line 8
Insert: "Section 1. Section 39-51-2111, MCA, is amended to read:

"39-51-2111. Unemployment benefits for victims of domestic violence, sexual assault, or stalking. (1) (a) An individual who is otherwise eligible for benefits may not be denied benefits because the individual left work or was discharged because of circumstances resulting from the individual or a child of the individual being a victim of domestic violence, a sexual assault, or stalking or the individual left work or was discharged because of an attempt on the individual's part to protect the individual or the individual's child from domestic abuse, a sexual assault, or stalking.

(b) The account of an employer with an experience rating as provided in 39-51-1213 may not be charged for the payment of benefits to an individual who left work or was discharged because of circumstances resulting from domestic violence, a sexual assault, or stalking as provided for in subsection (1)(a).

(c) An individual may not receive more than 28 weeks of unemployment benefits for the 12-month period after filing a claim under the provisions of this section. The provisions of this section do not affect the rights of an individual to receive unemployment insurance benefits that the individual is entitled to under other provisions of state law.

(2) For the purposes of subsection (1), an individual must be treated as being a victim of domestic violence, a sexual assault, or stalking if the individual provides one or more of the following:

(a) an order of protection or other documentation of equitable relief issued by a court of competent jurisdiction;

(b) a police record documenting the domestic violence, sexual assault, or stalking;

(c) medical documentation of domestic violence or a sexual assault; or

(d) other documentation or certification of domestic violence, a sexual assault, or stalking provided by a social worker, clergy member, shelter worker, or professional person, as defined in 53-21-102, who has assisted the individual in dealing with domestic violence, a sexual assault, or stalking.

(3) An individual who is otherwise eligible for benefits under this section becomes ineligible if the individual remains in or returns to the abusive situation that caused the individual to leave work or be discharged.

(4) The department shall provide a report to the legislature, as provided in 5-11-210, regarding the benefits applied for and granted under this section, including a summary of the demographics of applicants for and recipients of the benefits and the average and total cost of benefits provided.

(5) For the purposes of this section:

(a) "domestic violence" means the physical, mental, or emotional abuse of an individual or the individual's child by a person with whom that individual or the individual's child lives or has recently lived;

(b) "sexual assault" means sexual assault as described in 45-5-502, sexual intercourse without consent as described in 45-5-503, incest as described in 45-5-507, or sexual abuse of children <u>and child pornography</u> as described in 45-5-625; and

(c) "stalking" has the meaning provided in 45-5-220.""

Insert: "Section 2. Section 40-4-219, MCA, is amended to read:

"40-4-219. Amendment of parenting plan -- mediation. (1) The court may in its discretion amend a prior parenting plan if it finds, upon the basis of facts that have arisen since the prior plan or that were unknown to the court at the time of entry of the prior plan, that a change has occurred in the circumstances of the child and that the amendment is necessary to serve the best interest of the child. In determining the child's best interest under this section, the court may, in addition to the criteria in 40-4-212, also consider whether:

(a) the parents agree to the amendment;

(b) the child has been integrated into the family of the petitioner with consent of the parents;

(c) the child is 14 years of age or older and desires the amendment;

(d) one parent has willfully and consistently:

(i) refused to allow the child to have any contact with the other parent; or

(ii) attempted to frustrate or deny contact with the child by the other parent; or

(e) one parent has changed or intends to change the child's residence in a manner that significantly affects the child's contact with the other parent.

(2) A court may modify a de facto parenting arrangement in accordance with the factors set forth in 40-4-212.

(3) The court shall presume a parent is not acting in the child's best interest if the parent does any of the acts specified in subsection (1)(d) or (8).

(4) The court may amend the prior parenting plan based on subsection (1)(e) to provide a new residential schedule for parental contact with the child and to apportion transportation costs between the parents.

(5) Attorney fees and costs must be assessed against a party seeking frivolous or repeated amendment if the court finds that the amendment action is vexatious and constitutes harassment.

(6) A parenting plan may be amended pursuant to 40-4-221 upon the death of one parent.

(7) As used in this section, "prior parenting plan" means a parenting determination contained in a judicial decree or order made in a parenting proceeding. In proceedings for amendment under this section, a proposed amended parenting plan must be filed and served with the motion for amendment and with the response to the motion for amendment. Preference must be given to carrying out the parenting plan.

(8) (a) If a parent or other person residing in that parent's household has been convicted of any of the crimes listed in subsection (8)(b), the other parent or any other person who has been granted rights to the child pursuant to court order may file an objection to the current parenting order with the court. The parent or other person having rights to the child pursuant to court order shall give notice to the other parent of the objection as provided by the Montana Rules of Civil Procedure, and the other parent has 21 days from the notice to respond. If the parent who receives notice of objection fails to respond within 21 days, the parenting rights of that parent are suspended until further order of the court. If that parent responds and objects, a hearing must be held within 30 days of the response.

(b) This subsection (8) applies to the following crimes:

(i) deliberate homicide, as described in 45-5-102;

(ii) mitigated deliberate homicide, as described in 45-5-103;

(iii) sexual assault, as described in 45-5-502;

(iv) sexual intercourse without consent, as described in 45-5-503;

(v) deviate sexual conduct with an animal, as described in 45-2-101 and prohibited under 45-8-218;

(vi) incest, as described in 45-5-507;

(vii) aggravated promotion of prostitution of a child, as described in 45-5-603(1)(b);

(viii) endangering the welfare of children, as described in 45-5-622;

(ix) partner or family member assault of the type described in 45-5-206(1)(a);

(x) sexual abuse of children <u>and child pornography</u>, as described in 45-5-625; and

(xi) strangulation of a partner or family member, as described in 45-5-215.

(9) Except in cases of physical, sexual, or emotional abuse or threat of physical, sexual, or emotional abuse by one parent against the other parent or the child or when a parent has been convicted of a crime enumerated in subsection (8)(b), the court may, in its discretion, order the parties to participate in a dispute resolution process to assist in resolving any conflicts between the parties regarding amendment of the parenting plan. The dispute resolution process may include counseling or mediation by a specified person or agency, and court action.

(10) (a) Except as provided in subsection (10)(b), a court-ordered or de facto modification of a parenting plan based in whole or in part on military service orders of a parent is temporary and reverts to the previous parenting plan at the end of the military service. If a motion for an amendment of a parenting plan is filed after a parent returns from military service, the court may not consider a parent's absence due to that military service in its determination of the best interest of the child.

(b) A parent who has performed or is performing military service, as defined in 10-1-1003, may consent to a temporary or permanent modification of a parenting plan:

(i) for the duration of the military service; or

(ii) that continues past the end of the military service.""

Insert: "Section 3. Section 40-15-116, MCA, is amended to read:

"40-15-116. Definitions. As used in 40-15-115 through 40-15-121, the following definitions apply:

(1) "Applicant" means a victim and includes a parent or guardian who acts on behalf of a victim.

(2) "Department" means the department of justice.

(3) "Participant" means an applicant who has submitted an application pursuant to 40-15-117 that has been approved by the department.

(4) "Partner or family member assault" has the meaning provided in 45-5-206.

(5) "Sexual assault" means sexual assault as defined in 45-5-502, sexual intercourse without consent as defined in 45-5-503, incest as defined in 45-5-507, or sexual abuse of children and child pornography as defined in 45-5-625.

(6) "Stalking" has the meaning provided in 45-5-220.

(7) "Victim" means an individual who has been a victim of partner or family member assault, sexual assault, or stalking or who is otherwise eligible to file a petition for an order of protection under 40-15-102.""

Insert: "Section 4. Section 41-3-102, MCA, is amended to read:

"41-3-102. Definitions. As used in this chapter, the following definitions apply:

(1) (a) "Abandon", "abandoned", and "abandonment" mean:

(i) leaving a child under circumstances that make reasonable the belief that the parent does not intend to resume care of the child in the future;

(ii) willfully surrendering physical custody for a period of 6 months and during that period not manifesting to the child and the person having physical custody of the child a firm intention to resume physical custody or to make permanent legal arrangements for the care of the child;

(iii) that the parent is unknown and has been unknown for a period of 90 days and that reasonable efforts to identify and locate the parent have failed; or

(iv) the voluntary surrender, as defined in 40-6-402, by a parent of a newborn who is no more than 30 days old to an emergency services provider, as defined in 40-6-402.

(b) The terms do not include the voluntary surrender of a child to the department solely because of parental inability to access publicly funded services.

(2) "A person responsible for a child's welfare" means:

(a) the child's parent, guardian, or foster parent or an adult who resides in the same home in which the child resides;

(b) a person providing care in a day-care facility;

(c) an employee of a public or private residential institution, facility, home, or agency; or

(d) any other person responsible for the child's welfare in a residential setting.

(3) "Abused or neglected" means the state or condition of a child who has suffered child abuse or neglect.

(4) (a) "Adequate health care" means any medical care or nonmedical remedial health care recognized by an insurer licensed to provide disability insurance under Title 33, including the prevention of the withholding of medically indicated treatment or medically indicated psychological care permitted or authorized under state law.

(b) This chapter may not be construed to require or justify a finding of child abuse or neglect for the sole reason that a parent or legal guardian, because of religious beliefs, does not provide adequate health care for a child. However, this chapter may not be construed to limit the administrative or judicial authority of the state to ensure that medical care is provided to

the child when there is imminent substantial risk of serious harm to the child.

(5) "Best interests of the child" means the physical, mental, and psychological conditions and needs of the child and any other factor considered by the court to be relevant to the child.

(6) "Child" or "youth" means any person under 18 years of age.

(7) (a) "Child abuse or neglect" means:

(i) actual physical or psychological harm to a child;

(ii) substantial risk of physical or psychological harm to a child; or

(iii) abandonment.

(b) (i) The term includes:

(A) actual physical or psychological harm to a child or substantial risk of physical or psychological harm to a child by the acts or omissions of a person responsible for the child's welfare; or

(B) exposing a child to the criminal distribution of dangerous drugs, as prohibited by 45-9-101, the criminal production or manufacture of dangerous drugs, as prohibited by 45-9-110, or the operation of an unlawful clandestine laboratory, as prohibited by 45-9-132.

(ii) For the purposes of this subsection (7), "dangerous drugs" means the compounds and substances described as dangerous drugs in Schedules I through IV in Title 50, chapter 32, part 2.

(c) In proceedings under this chapter in which the federal Indian Child Welfare Act is applicable, this term has the same meaning as "serious emotional or physical damage to the child" as used in 25 U.S.C. 1912(f).

(d) The term does not include self-defense, defense of others, or action taken to prevent the child from self-harm that does not constitute physical or psychological harm to a child.

(8) "Concurrent planning" means to work toward reunification of the child with the family while at the same time developing and implementing an alternative permanent plan.

(9) "Department" means the department of public health and human services provided for in 2-15-2201.

(10) "Family group decisionmaking meeting" means a meeting that involves family members in either developing treatment plans or making placement decisions, or both.

(11) "Indian child" means any unmarried person who is under 18 years of age and who is either:

(a) a member of an Indian tribe; or

(b) eligible for membership in an Indian tribe and is the biological child of a member of an Indian tribe.

(12) "Indian child's tribe" means:

(a) the Indian tribe in which an Indian child is a member or eligible for membership; or

(b) in the case of an Indian child who is a member of or eligible for membership in more than one Indian tribe, the Indian tribe with which the Indian child has the more significant contacts.

(13) "Indian custodian" means any Indian person who has legal custody of an Indian child under tribal law or custom or under state law or to whom temporary physical care, custody, and control have been transferred by the child's parent.

(14) "Indian tribe" means any Indian tribe, band, nation, or other organized group or community of Indians recognized by:

(a) the state of Montana; or

(b) the United States secretary of the interior as being eligible for the services provided to Indians or because of the group's status as Indians, including any Alaskan native village as defined in federal law.

(15) "Limited emancipation" means a status conferred on a youth by a court in accordance with 41-1-503 under which the youth is entitled to exercise some but not all of the rights and responsibilities of a person who is 18 years of age or older.

(16) "Parent" means a biological or adoptive parent or stepparent.

(17) "Parent-child legal relationship" means the legal relationship that exists between a child and the child's birth or adoptive parents, as provided in Title 40, chapter 6, part 2, unless the relationship has been terminated by competent judicial decree as provided in 40-6-234, Title 42, or part 6 of this chapter.

(18) "Permanent placement" means reunification of the child with the child's parent, adoption, placement with a legal guardian, placement with a fit and willing relative, or placement in another planned permanent living arrangement until the child reaches 18 years of age.

(19) "Physical abuse" means an intentional act, an intentional omission, or gross negligence resulting in substantial skin bruising, internal bleeding, substantial injury to skin, subdural hematoma, burns, bone fractures, extreme pain, permanent or temporary disfigurement, impairment of any bodily organ or function, or death.

(20) "Physical neglect" means either failure to provide basic necessities, including but not limited to appropriate and adequate nutrition, protective shelter from the elements, and appropriate clothing related to weather conditions, or failure to provide cleanliness and general supervision, or both, or exposing or allowing the child to be exposed to an unreasonable physical or psychological risk to the child.

(21) (a) "Physical or psychological harm to a child" means the harm that occurs whenever the parent or other person responsible for the child's welfare:

(i) inflicts or allows to be inflicted upon the child physical abuse, physical neglect, or psychological abuse or neglect;

(ii) commits or allows sexual abuse or exploitation of the child;

(iii) induces or attempts to induce a child to give untrue testimony that the child or another child was abused or neglected by a parent or other person responsible for the child's welfare;

(iv) causes malnutrition or a failure to thrive or otherwise fails to supply the child with adequate food or fails to supply clothing, shelter, education, or adequate health care, though financially able to do so or offered financial or other reasonable means to do so;

(v) exposes or allows the child to be exposed to an unreasonable risk to the child's health or welfare by failing to intervene or eliminate the risk; or

(vi) abandons the child.

(b) The term does not include a youth not receiving supervision solely because of parental inability to control the youth's behavior.

(22) (a) "Protective services" means services provided by the department:

(i) to enable a child alleged to have been abused or neglected to remain safely in the home;

(ii) to enable a child alleged to have been abused or neglected who has been removed from the home to safely return to the home; or

(iii) to achieve permanency for a child adjudicated as a youth in need of care when

circumstances and the best interests of the child prevent reunification with parents or a return to the home.

(b) The term includes emergency protective services provided pursuant to 41-3-301, voluntary protective services provided pursuant to 41-3-302, and court-ordered protective services provided pursuant to parts 4 and 6 of this chapter.

(23) (a) "Psychological abuse or neglect" means severe maltreatment through acts or omissions that are injurious to the child's emotional, intellectual, or psychological capacity to function, including the commission of acts of violence against another person residing in the child's home.

(b) The term may not be construed to hold a victim responsible for failing to prevent the crime against the victim.

(24) "Qualified expert witness" as used in cases involving an Indian child in proceedings subject to the federal Indian Child Welfare Act means:

(a) a member of the Indian child's tribe who is recognized by the tribal community as knowledgeable in tribal customs as they pertain to family organization and child-rearing practices;

(b) a lay expert witness who has substantial experience in the delivery of child and family services to Indians and extensive knowledge of prevailing social and cultural standards and child-rearing practices within the Indian child's tribe; or

(c) a professional person who has substantial education and experience in providing services to children and families and who possesses significant knowledge of and experience with Indian culture, family structure, and child-rearing practices in general.

(25) "Reasonable cause to suspect" means cause that would lead a reasonable person to believe that child abuse or neglect may have occurred or is occurring, based on all the facts and circumstances known to the person.

(26) "Residential setting" means an out-of-home placement where the child typically resides for longer than 30 days for the purpose of receiving food, shelter, security, guidance, and, if necessary, treatment.

(27) (a) "Sexual abuse" means the commission of sexual assault, sexual intercourse without consent, indecent exposure, sexual abuse, ritual abuse of a minor, or incest, as described in Title 45, chapter 5.

(b) Sexual abuse does not include any necessary touching of an infant's or toddler's genital area while attending to the sanitary or health care needs of that infant or toddler by a parent or other person responsible for the child's welfare.

(28) "Sexual exploitation" means allowing, permitting, or encouraging a child to engage in a prostitution offense, as described in 45-5-601 through 45-5-603, or allowing, permitting, or encouraging sexual abuse of children <u>and child pornography</u> as described in 45-5-625.

(29) (a) "Social worker" means an employee of the department who, before the employee's field assignment, has been educated or trained in a program of social work or a related field that includes cognitive and family systems treatment or who has equivalent verified experience or verified training in the investigation of child abuse, neglect, and endangerment.

(b) This definition does not apply to any provision of this code that is not in this chapter.

(30) "Treatment plan" means a written agreement between the department and the parent or guardian or a court order that includes action that must be taken to resolve the condition or conduct of the parent or guardian that resulted in the need for protective services for the child. The treatment plan may involve court services, the department, and other parties,

if necessary, for protective services.

(31) "Unfounded" means that after an investigation, the investigating person has determined that the reported abuse, neglect, or exploitation has not occurred.

(32) "Unsubstantiated" means that after an investigation, the investigator was unable to determine by a preponderance of the evidence that the reported abuse, neglect, or exploitation has occurred.

(33) (a) "Withholding of medically indicated treatment" means the failure to respond to an infant's life-threatening conditions by providing treatment, including appropriate nutrition, hydration, and medication, that, in the treating physician's or physicians' reasonable medical judgment, will be most likely to be effective in ameliorating or correcting the conditions.

(b) The term does not include the failure to provide treatment, other than appropriate nutrition, hydration, or medication, to an infant when, in the treating physician's or physicians' reasonable medical judgment:

(i) the infant is chronically and irreversibly comatose;

(ii) the provision of treatment would:

(A) merely prolong dying;

(B) not be effective in ameliorating or correcting all of the infant's life-threatening conditions; or

(C) otherwise be futile in terms of the survival of the infant; or

(iii) the provision of treatment would be virtually futile in terms of the survival of the infant and the treatment itself under the circumstances would be inhumane. For purposes of this subsection (33), "infant" means an infant less than 1 year of age or an infant 1 year of age or older who has been continuously hospitalized since birth, who was born extremely prematurely, or who has a long-term disability. The reference to less than 1 year of age may not be construed to imply that treatment should be changed or discontinued when an infant reaches 1 year of age or to affect or limit any existing protections available under state laws regarding medical neglect of children 1 year of age or older.

(34) "Youth in need of care" means a youth who has been adjudicated or determined, after a hearing, to be or to have been abused, neglected, or abandoned.""

Insert: "Section 5. Section 42-2-608, MCA, is amended to read:

"42-2-608. Finding of unfitness. (1) The court may terminate parental rights for purposes of making a child available for adoption on the grounds of unfitness if:

(a) the court makes a determination that the parent has been judicially deprived of custody of the child on account of abuse or neglect toward the child;

(b) the parent has willfully abandoned the child, as defined in 41-3-102, in Montana or in any other jurisdiction of the United States;

(c) it is proven to the satisfaction of the court that the parent, if able, has not contributed to the support of the child for an aggregate period of 1 year before the filing of a petition for adoption;

(d) it is proven to the satisfaction of the court that the parent is in violation of a court order to support either the child that is the subject of the adoption proceedings or other children with the same birth mother;

(e) the parent has been found guilty by a court of competent jurisdiction of:

(i) aggravated assault on the adoptee, as provided in 45-5-202;

(ii) sexual assault on a child, as provided in 45-5-502;

(iii) sexual intercourse without consent, as provided in 45-5-503, if the victim was a child;
(iv) incest, as provided in 45-5-507, if the victim was a child;
(v) homicide of a child, as provided in 45-5-102 or 45-5-103;
(vi) sexual abuse of a child and child pornography, as provided in 45-5-625; or
(vii) ritual abuse of a minor, as provided in 45-5-627;
(f) the child has been maintained by a public or private children's institution, a charitable agency, a licensed child-placing agency, or the department for a period of 1 year without the parent contributing to the support of the child during that period, if able;
(g) a finding is made for a parent who is given proper notice of hearing:
(i) that the parent has been convicted of a crime of violence or of violating a restraining or protective order; and
(ii) the facts of the crime or violation and the parent's behavior indicate that the parent is unfit to maintain a relationship of parent and child with the child;
(h) a finding is made for a parent who is given proper notice of hearing and is a respondent to the petition to terminate parental rights and:
(i) by a preponderance of the evidence, it is found that termination is in the best interests of the child; and
(ii) upon clear and convincing evidence, it is found that one of the following grounds exists:
(A) if the child is not in the legal and physical custody of the other parent, that the respondent is not able or willing to promptly assume legal and physical custody of the child and to pay for the child's support in accordance with the respondent's financial means;
(B) if the child is in the legal and physical custody of the other parent and a stepparent who is the prospective adoptive parent, that the respondent is not able or willing to promptly establish and maintain contact with the child and to pay for the child's support in accordance with the respondent's financial means;
(C) placing the child in the respondent's legal and physical custody would pose a risk of substantial harm to the physical or psychological well-being of the child because the circumstances of the child's conception, the respondent's behavior during the mother's pregnancy or since the child's birth, or the respondent's behavior with respect to other children indicates that the respondent is unfit to maintain a relationship of parent and child with the child; or
(D) failure to terminate the relationship of parent and child would be detrimental to the child.
(2) In making a determination under subsection (1)(h)(ii)(D), the court shall consider any relevant factor, including the respondent's efforts to obtain or maintain legal and physical custody of the child, the role of other persons in thwarting the respondent's efforts to assert parental rights, the respondent's ability to care for the child, the age of the child, the quality of any previous relationship between the respondent and the child and between the respondent and any other children, the duration and suitability of the child's present custodial environment, and the effect of a change of physical custody on the child.""
Renumber: subsequent sections

3. Page 2, line 7.
Following: "years."

Strike: "The"

Insert: "For a first offense, the court may not suspend execution or defer imposition of the first 10 years of a sentence of imprisonment imposed under this subsection (4)(a)(i) except as provided in 46-18-222(1) through (5), and during the first 10 years of imprisonment, the offender is not eligible for parole. For a second or subsequent offense, the"

4. Page 3, line 7 through page 4, line 11.
Strike: section 2 in its entirety
Renumber: subsequent sections

5. Page 4, line 14.
Following: "**children**"
Insert: "**and child pornography**"
Following: "children"
Insert: "and child pornography"

6. Page 5, line 11.
Following: "children"
Insert: " and child pornography"

7. Page 5, line 14.
Following: "children"
Insert: " and child pornography"

8. Page 5, line 16.
Following: "children"
Insert: " and child pornography"

9. Page 5, line 25.
Following: "years."
Strike: "The"
Insert: "For a first offense, the court may not suspend execution or defer imposition of the first 10 years of a sentence of imprisonment imposed under this subsection (4)(a)(i) except as provided in 46-18-222(1) through (5), and during the first 10 years of imprisonment, the offender is not eligible for parole. For a second or subsequent offense, the"

10. Page 6, line 30.
Following: line 30
Insert: "Section 8. Section 45-8-221, MCA, is amended to read:

"45-8-221. Predatory loitering by sexual offender. (1) A person commits the offense of predatory loitering if the person:

(a) was previously convicted of a predatory sexual offense or sexual abuse of children <u>and child pornography</u>;

(b) purposely or knowingly loiters:

(i) in the vicinity of a residence, school, church, or place of work of the person's previous victim; or

(ii) in the vicinity of any school, park, playground, church, bicycle or multiuse path, or other place frequented by minors of an age similar to the age of the victim of the previous sexual offense if the sexual offense concerned a minor; and

(c) has previously been requested by a person in authority to:

(i) leave the area in which the person loiters; or

(ii) leave any area in which the person has loitered.

(2) Proof of the offense of predatory loitering must also include proof that the person in authority has made a report of the request to the law enforcement agency with jurisdiction over the area, and the agency has documented the report.

(3) A person convicted of the offense of predatory loitering may be fined not more than $500 or be imprisoned for not more than 6 months, or both. A person convicted of a second or subsequent offense of predatory loitering may be fined not more than $1,000 or be imprisoned for not more than 1 year, or both.

(4) As used in this section, the following definitions apply:

(a) "Person in authority" includes a peace officer or:

(i) for the purposes of a school or playground, a principal, teacher, school staff member, parent or other adult relative of a child attending the school or playground, or other supervisor of minors;

(ii) for the purposes of a church, a minister, priest, rabbi, deacon, or other ecclesiastical official, a church staff member, or a parent or other adult relative of a child attending the church;

(iii) for the purposes of a park, playground, or bicycle or multiuse path, a person specified in subsection (3)(a)(i) or a park warden, guard, or host; or

(iv) for purposes of a place of work, a person employed at the place of work.

(b) "Predatory sexual offense" has the meaning provided in 46-23-502.

(c) "Sexual abuse of children <u>and child pornography</u>" means commission of the offense provided in 45-5-625.""

Insert: "Section 9. Section 46-1-502, MCA, is amended to read:

"46-1-502. Mediation. (1) At any time after the commencement of a prosecution and before the verdict, the court may, at its suggestion or upon motion of a party and with the consent of all the parties, refer the proceeding to mediation by a mediator chosen by the court.

(2) The proceeding may not be referred for mediation if the offense charged is:

(a) deliberate homicide, as described in 45-5-102;

(b) mitigated deliberate homicide, as described in 45-5-103;

(c) intimidation, as described in 45-5-203;

(d) partner or family member assault, as described in 45-5-206;

(e) assault on a minor, as described in 45-5-212;

(f) strangulation of a partner or family member, as described in 45-5-215;

(g) stalking, as described in 45-5-220;

(h) aggravated kidnapping, as described in 45-5-303;

(i) a sex crime, as described in 45-5-502, 45-5-503, 45-5-504, or 45-5-507;

(j) endangering the welfare of children, as described in 45-5-622;

(k) sexual abuse of children <u>and child pornography</u>, as described in 45-5-625; or

(l) ritual abuse of a minor, as described in 45-5-627.

(3) Any aspect of or issue in the proceeding may be the subject of the mediation, including but not limited to the charge, a plea bargain, or a recommended sentence.

(4) At any point during mediation, a party may withdraw from the mediation without penalty or sanction.

(5) This section does not prohibit the parties from engaging in traditional plea negotiations.""

Insert: "Section 10. Section 46-4-307, MCA, is amended to read:

"46-4-307. Sexual abuse of children <u>and child pornography</u> -- report to national center for missing and exploited children. A peace officer who, pursuant to a criminal investigation, recovers images or movies of a child in an exhibition of sexual conduct, actual or simulated, or images or movies of a child engaging in sexual conduct, actual or simulated, shall:

(1) provide the images or movies to the law enforcement contact at the child victim identification program at the national center for missing and exploited children;

(2) request the law enforcement contact at the child victim identification program to identify any images or movies recovered that contain an identified victim of ~~child~~ sexual abuse <u>of children and child pornography</u> as defined by 45-5-625; and

(3) provide case information to the child victim identification program in any case in which the peace officer identifies a previously unidentified victim of ~~child~~ sexual abuse <u>of children and child pornography</u>.""

Insert: "Section 11. Section 46-18-219, MCA, is amended to read:

"46-18-219. Life sentence without possibility of release. (1) (a) Except as provided in subsection (3), if an offender convicted of one of the following offenses was previously convicted of one of the following offenses or of an offense under the laws of another state or of the United States that, if committed in this state, would be one of the following offenses, the offender must be sentenced to life in prison, unless the death penalty is applicable and imposed:

(i) 45-5-102, deliberate homicide;

(ii) 45-5-303, aggravated kidnapping;

(iii) 45-5-625, sexual abuse of children <u>and child pornography</u>;

(iv) 45-5-627, except subsection (1)(b), ritual abuse of a minor; or

(v) 45-5-508, aggravated sexual intercourse without consent.

(b) Except as provided in subsection (3), if an offender convicted of one of the following offenses was previously convicted of two of the following offenses, two of any combination of the offenses listed in subsection (1)(a) or the following offenses, or two of any offenses under the laws of another state or of the United States that, if committed in this state, would be one of the offenses listed in subsection (1)(a) or this subsection, the offender must be sentenced to life in prison, unless the death penalty is applicable and imposed:

(i) 45-5-103, mitigated deliberate homicide;

(ii) 45-5-202, aggravated assault;

(iii) 45-5-215, strangulation of a partner or family member;

(iv) 45-5-302, kidnapping;

(v) 45-5-401, robbery; or

(vi) 45-5-603, aggravated promotion of prostitution.

(2) Except as provided in 46-23-210 and subsection (3) of this section, an offender

sentenced under subsection (1):

(a) shall serve the entire sentence;

(b) shall serve the sentence in prison;

(c) may not for any reason, except a medical reason, be transferred for any length of time to another type of institution, facility, or program;

(d) may not be paroled; and

(e) may not be given time off for good behavior or otherwise be given an early release for any reason.

(3) If the offender was previously sentenced for either of two or three offenses listed in subsection (1), pursuant to any of the exceptions listed in 46-18-222, then the provisions of subsections (1) and (2) of this section do not apply to the offender's present sentence.

(4) The imposition or execution of the sentences prescribed by this section may not be deferred or suspended. In the event of a conflict between this section and any provision of 46-18-201 or 46-18-205, this section prevails.

(5) (a) For purposes of this section, "prison" means a secure detention facility in which inmates are locked up 24 hours a day and that is operated by this state, another state, the federal government, or a private contractor.

(b) Prison does not include a work release center, prerelease center, boot camp, or any other type of facility that does not provide secure detention.""

Insert: "Section 12. Section 46-18-231, MCA, is amended to read:

"46-18-231. Fines in felony and misdemeanor cases. (1) (a) Except as provided in subsection (1)(b), whenever, upon a verdict of guilty or a plea of guilty or nolo contendere, an offender has been found guilty of an offense for which a felony penalty of imprisonment could be imposed, the sentencing judge may, in lieu of or in addition to a sentence of imprisonment, impose a fine only in accordance with subsection (3).

(b) For those crimes for which penalties are provided in the following sections, a fine may be imposed in accordance with subsection (3) in addition to a sentence of imprisonment:

(i) 45-5-103(4), mitigated deliberate homicide;

(ii) 45-5-202, aggravated assault;

(iii) 45-5-213, assault with a weapon;

(iv) 45-5-302(2), kidnapping;

(v) 45-5-303(2), aggravated kidnapping;

(vi) 45-5-401(2), robbery;

(vii) 45-5-502(3), sexual assault when the victim is less than 16 years old and the offender is 3 or more years older than the victim or the offender inflicts bodily injury in the course of committing the sexual assault;

(viii) 45-5-503(2) through (5), sexual intercourse without consent;

(ix) 45-5-507(5), incest when the victim is 12 years of age or younger and the offender is 18 years of age or older at the time of the offense;

(x) 45-5-601(3),45-5-602(3), or 45-5-603(2)(b), prostitution, promotion of prostitution, or aggravated promotion of prostitution when the person patronized or engaging in prostitution was a child and the patron was 18 years of age or older at the time of the offense;

(xi) 45-5-625(4), sexual abuse of children <u>and child pornography</u>;

(xii) 45-9-101(4), criminal possession with intent to distribute a dangerous drug; and

(xiii) 45-9-109, criminal possession with intent to distribute dangerous drugs on or near

school property.

(2) Whenever, upon a verdict of guilty or a plea of guilty or nolo contendere, an offender has been found guilty of an offense for which a misdemeanor penalty of a fine could be imposed, the sentencing judge may impose a fine only in accordance with subsection (3).

(3) The sentencing judge may not sentence an offender to pay a fine unless the offender is or will be able to pay the fine. In determining the amount and method of payment, the sentencing judge shall take into account the nature of the crime committed, the financial resources of the offender, and the nature of the burden that payment of the fine will impose.

(4) Any fine levied under this section in a felony case shall be in an amount fixed by the sentencing judge not to exceed $50,000.""

Insert: "Section 13. Section 46-18-1001, MCA, is amended to read:

"46-18-1001. Definitions. As used in this part, the following definitions apply:

(1) (a) "Home" means the temporary or permanent residence of an offender consisting of the actual living area approved by the supervising authority.

(b) When more than one residence or family are located on a single piece of property, the term does not include the residence of any other person who is not part of the social unit formed by the offender's immediate family.

(2) "Home arrest" means the use of a person's home for purposes of confinement and home arrest procedures and conditions imposed under this part. It does not include intensive supervision by the department of corrections.

(3) "Monitoring device" means an electronic device or apparatus capable of recording or transmitting information concerning the offender's presence in or absence from the home. The device may include an apparatus for testing the offender's breath for the presence of alcohol. A telephone alone is not a monitoring device.

(4) "Supervising authority" means:

(a) in the case of an adult felon, the department of corrections;

(b) in the case of an adult misdemeanant, a court-approved entity other than the department of corrections; or

(c) in the case of a juvenile, the juvenile probation division of the youth court or any other person or entity appointed by the court.

(5) "Violent felony offense" means deliberate homicide, mitigated deliberate homicide, negligent homicide, aggravated assault, negligent vehicular assault, kidnapping, aggravated kidnapping, robbery, sexual intercourse without consent, sexual abuse of children <u>and child pornography</u>, arson, aggravated burglary, escape, any criminal attempt to commit an enumerated offense, or conviction as a persistent felony offender when the offender has a felony conviction for any of the listed offenses within the 5-year period preceding the date of the present conviction.""

Insert: "Section 14. Section 52-3-803, MCA, is amended to read:

"52-3-803. Definitions. As used in this part, the following definitions apply:

(1) "Abuse" means:

(a) the infliction of physical or mental injury; or

(b) the deprivation of food, shelter, clothing, or services necessary to maintain the physical or mental health of an older person or a person with a developmental disability without lawful authority. A declaration made pursuant to 50-9-103 constitutes lawful authority.

(2) "Department" means the department of public health and human services provided

for in 2-15-2201.

(3) "Exploitation" means:

(a) the unreasonable use of an older person or a person with a developmental disability or of a power of attorney, conservatorship, or guardianship with regard to an older person or a person with a developmental disability in order to obtain control of or to divert to the advantage of another the ownership, use, benefit, or possession of or interest in the person's money, assets, or property by means of deception, duress, menace, fraud, undue influence, or intimidation with the intent or result of permanently depriving the older person or person with a developmental disability of the ownership, use, benefit, or possession of or interest in the person's money, assets, or property;

(b) an act taken by a person who has the trust and confidence of an older person or a person with a developmental disability to obtain control of or to divert to the advantage of another the ownership, use, benefit, or possession of or interest in the person's money, assets, or property by means of deception, duress, menace, fraud, undue influence, or intimidation with the intent or result of permanently depriving the older person or person with a developmental disability of the ownership, use, benefit, or possession of or interest in the person's money, assets, or property;

(c) the unreasonable use of an older person or a person with a developmental disability or of a power of attorney, conservatorship, or guardianship with regard to an older person or a person with a developmental disability done in the course of an offer or sale of insurance or securities in order to obtain control of or to divert to the advantage of another the ownership, use, benefit, or possession of the person's money, assets, or property by means of deception, duress, menace, fraud, undue influence, or intimidation with the intent or result of permanently depriving the older person or person with a developmental disability of the ownership, use, benefit, or possession of the person's money, assets, or property.

(4) "Incapacitated person" has the meaning given in 72-5-101.

(5) "Long-term care facility" means a facility defined in 50-5-101.

(6) "Mental injury" means an identifiable and substantial impairment of a person's intellectual or psychological functioning or well-being.

(7) "Neglect" means the failure of a person who has assumed legal responsibility or a contractual obligation for caring for an older person or a person with a developmental disability or who has voluntarily assumed responsibility for the person's care, including an employee of a public or private residential institution, facility, home, or agency, to provide food, shelter, clothing, or services necessary to maintain the physical or mental health of the older person or the person with a developmental disability.

(8) "Older person" means a person who is at least 60 years of age.

(9) "Person with a developmental disability" means a person 18 years of age or older who has a developmental disability, as defined in 53-20-102.

(10) "Physical injury" means death, permanent or temporary disfigurement, or impairment of any bodily organ or function.

(11) "Sexual abuse" means the commission of sexual assault, sexual intercourse without consent, indecent exposure, deviate sexual conduct, incest, or sexual abuse of children <u>and child pornography</u> as described in Title 45, chapter 5, part 5, and Title 45, chapter 8, part 2.""

Renumber: subsequent section

And, as amended, do pass.

SB 225, introduced bill, be amended as follows:

1. Title, page 1, line 12.
Strike: "72-7-305,"
Strike: "72-2-124,"

2. Title, page 1, line 13.
Strike: "72-2-1017,"

3. Page 11, line 8 through page 16, line 29.
Strike: section 13 through section 19 in their entirety
Renumber: subsequent sections

4. Page 17, line 1.
Strike: "20 through 29"
Insert: "13 through 22"

5. Page 17, line 2.
Strike: "24"
Insert: "17"

6. Page 17, line 3.
Strike: "24"
Insert: "17"

7. Page 17, line 28.
Strike: "24(2)(b)"
Insert: "17(2)(b)"

8. Page 18, line 1 through line 2.
Strike: "20" on line 1 through "29" on line 2
Insert: "13 through 22"

9. Page 18, line 4.
Strike: "26 and 28(1)(a)"
Insert: "19 and 21(1)(a)"

10. Page 18, line 5 through line 6.
Strike: "28(3)" on line 5 through "(4)" on line 6
Insert: "21(3) and (4)"

11. Page 18, line 9.
Strike: "28(3) and (4)"

Insert: "21(3) and (4)"

12. Page 18, line 16.
Strike: "27"
Insert: "20"

13. Page 18, line 17.
Strike: "23" through "26"
Insert: "16, 17, 18, and 19"

14. Page 19, line 22.
Strike: "23"
Insert: "16"

15. Page 21, line 22.
Strike: "24(1) or (2)"
Insert: "17(1) or (2)"

16. Page 21, line 27.
Strike: "23 or 25"
Insert: "16 or 18"

17. Page 22, line 25.
Strike: "24" through "26"
Insert: "17, 18, or 19"

18. Page 23, line 3.
Strike: "24" through "26"
Insert: "17, 18, or 19"

19. Page 23, line 11.
Strike: "23"
Insert: "16"

20. Page 23, line 13.
Strike: "25"
Insert: "18"

21. Page 23, line 16.
Strike: "26"
Insert: "19"

22. Page 23, line 18.
Strike: "26"
Insert: "19"

23. Page 23, line 19.
Strike: "22(2)"
Insert: "15(2)"

24. Page 23, line 24.
Strike: "24(1) and (2)"
Insert: "17(1) and (2)"

25. Page 25, line 24.
Strike: "28(3) and (4)"
Insert: "21(3) and (4)"

26. Page 26, line 22.
Strike: "24"
Insert: "17"

27. Page 26, line 28.
Strike: "24"
Insert: "17"

28. Page 27, line 6.
Strike: "28"
Insert: "21"

29. Page 27, line 11.
Strike: "28"
Insert: "21"

30. Page 27, line 17.
Strike: "24"
Insert: "17"

31. Page 29, line 6.
Strike: "28"
Insert: "21"

32. Page 37, line 2.
Following: ""Adoptee""
Strike: remainder of line 2
Insert: "means an individual who is adopted."

33. Page 37, line 3.
Following: "reproduction""
Strike: remainder of line 3
Insert: "means a child conceived by means of assisted reproduction by a woman other than a

gestational carrier."

34. Page 37, line 6 through line 7.
Following: "adoptee""
Strike: remainder of line 6 and line 7.
Insert: "means behaving toward an adoptee in a manner consistent with being the adoptee's parent and performing functions that are customarily performed by a parent, including fulfilling parental responsibilities toward the adoptee, recognizing or holding out the adoptee as the individual's child, materially participating in the adoptee's upbringing, and residing with the adoptee in the same household as a regular member of that household."

35. Page 37, line 8.
Following: "child""
Strike: remainder of line 8
Insert: "means behaving toward a child in a manner consistent with being the child's parent and performing functions that are customarily performed by a parent, including fulfilling parental responsibilities toward the child, recognizing or holding out the child as the individual's child, materially participating in the child's upbringing, and residing with the child in the same household as a regular member of that household."

36. Page 37, line 9.
Strike: line 9
Renumber: subsequent subsections

37. Page 37, line 10.
Strike: line 10
Renumber: subsequent subsections

38. Page 37, line 11.
Following: "Relative""
Strike: remainder of line 11
Insert: "means a grandparent or a descendant of a grandparent."

39. Page 51, line 27.
Strike: "47 through 63"
Insert: "40 through 56"

40. Page 51, line 30.
Strike: "47 through 63"
Insert: "40 through 56"

41. Page 52, line 25.
Strike: "47 through 63"
Insert: "40 through 56"

42. Page 52, line 28.
Strike: "**47 through 63**"
Insert: "**40 through 56**"

43. Page 52, line 29.
Strike: "47 through 63 "
Insert: "40 through 56"

44. Page 52, line 29 through line 30.
Strike: "47" on line 29 through "63" on line 30
Insert: "40 through 56"

45. Page 53, line 1.
Strike: "47 through 63"
Insert: "40 through 56"

46. Page 53, line 2.
Strike: "47 through 63"
Insert: "40 through 56"

47. Page 53, line 17.
Strike: "58"
Insert: "51"

48. Page 53, line 25.
Strike: "58"
Insert: "51"

49. Page 53, line 26.
Strike: "52 through 57"
Insert: "45 through 50"

50. Page 53, line 27.
Strike: "47 through 63"
Insert: "40 through 56"

51. Page 54, line 4.
Strike: "53 or 54"
Insert: "46 or 47"

52. Page 58, line 9.
Strike: "47 through 63"
Insert: "40 through 56"

53. Page 58, line 12.

Strike: "47 through 63"
Insert: "40 through 56"

54. Page 58, line 15.
Strike: "47 through 63"
Insert: "40 through 56"

55. Page 58, line 18.
Strike: "47 through 63"
Insert: "40 through 56"

56. Page 59, line 22.
Strike: "58(7)(b)"
Insert: "51(7)(b)"

57. Page 58, line 27.
Strike: "59"
Insert: "52"

58. Page 58, line 28.
Strike: "47 through 63"
Insert: "40 through 56"

59. Page 59, line 2.
Strike: "47 through 63"
Insert: "40 through 56"

60. Page 59, line 12 through line 15.
Strike: section 65 in its entirety
Renumber: subsequent sections

61. Page 74, line 7.
Strike: "94"
Insert: "86"

62. Page 76, line 22.
Strike: "93 through 110"
Insert: "85 through 102"

63. Page 76, line 25.
Strike: "93 through 110"
Insert: "85 through 102"

64. Page 77, line 9.
Strike: "93 through 110"

Insert: "85 through 102"

65. Page 77, line 13.
Strike: "93 through 110"
Insert: "85 through 102"

66. Page 79, line 10.
Strike: "91"
Insert: "83"

67. Page 80, line 4.
Strike: "47 through 63"
Insert: "40 through 56"

68. Page 80, line 8.
Strike: "91"
Insert: "83"

69. Page 80, line 11.
Strike: "93 through 110"
Insert: "85 through 102"

70. Page 82, line 24.
Following: "under [sections"
Strike: "93 through 110"
Insert: "85 through 102"
Following: "of [sections"
Strike: "93 through 110"
Insert: "85 through 102"

71. Page 84, line 12 through line 13.
Strike: "93 through" on line 12 through "110" on line 13
Insert: "85 through 102"

72. Page 84, line 15 through page 85, line 1.
Strike: section 111 in its entirety
Renumber: subsequent sections

73. Page 85, line 4.
Strike: "55 and 56"
Insert: "48 and 49"

74. Page 85, line 30.
Strike: "29"
Insert: "22"

75. Page 86, line 1.
Strike: "29"
Insert: "22"

76. Page 86, line 2.
Strike: "40"
Insert: "33"

77. Page 86, line 3.
Strike: "40"
Insert: "33"

78. Page 86, line 4.
Strike: "45 through 63"
Insert: "38 through 56"

79. Page 86, line 5.
Strike: "45 through 63"
Insert: "38 through 56"

80. Page 86, line 6 through line 7.
Strike: subsection (6) in its entirety

81. Page 86, line 8.
Strike: "72"
Insert: "64"

82. Page 86, line 9.
Strike: "72"
Insert: "64"

83. Page 86, line 10.
Strike: "81"
Insert: "73"

84. Page 86, line 11.
Strike: "81"
Insert: "73"

85. Page 86, line 12.
Strike: "91"
Insert: "83"

86. Page 86, line 13.
Strike: "91"

Insert: "83"

87. Page 86, line 14.
Strike: "93 through 110"
Insert: "85 through 102"

88. Page 86, line 15.
Strike: "93 through 110"
Insert: "85 through 102"

89. Page 86, line 19.
Strike: line 19 in its entirety

90. Page 86, line 28.
Strike: line 28

And, as amended, do pass.

SR 11, be adopted.

LOCAL GOVERNMENT (Lang, Chair): 2/18/2019
SB 198, do pass.
SB 243, do pass.
HB 55, be amended as follows:

1. Title, page 1, line 7 through line 8.
Strike: "REMOVING" on line 7 through "SYSTEMS;" on line 8.

2. Title, page 1, line 13.
Strike: "AN EFFECTIVE DATE"
Insert: "EFFECTIVE DATES"

3. Page 6, line 17.
Following: "(11)"
Insert: "(a)"

4. Page 6, line 17 through 18.
Strike: "that" on line 17 through "2011" on line 18
Insert: "submitted for approval under this chapter after March 30, 2011.
(b) The term does not include drainfield mixing zones that existed or were approved under this chapter prior to March 30, 2011"

5. Page 6, line 19.
Strike: subsection (12) in its entirety
Renumber: subsequent subsections

6. Page 6, line 20.
Following: "(13)"
Insert: "(a)"

7. Page 6, line 20 through line 21.
Strike: "not" on line 20 through "2013" on line 21.
Insert: "submitted for approval under this chapter after October 1, 2013.
(b) The term does not include well isolation zones that existed or were approved under this chapter prior to October 1, 2013"

8. Page 14, line 16.
Strike: "may"
Insert: "shall"

9. Page 14, line 17.
Following: "disposal system"
Insert: "required by rule to be designed by a registered professional engineer"

10. Page 19, line 15.
Following: line 14
Insert: "(i) new divisions subject to review under the Montana Subdivision and Platting Act;"
Renumber: subsequent subsections

11. Page 19, line 25.
Following: "(f)"
Insert: "the sale of"
Following: "provided"
Strike: "in 77-2-318"
Insert: "for and subject to the limitations in 77-2-318(2)"

12. Page 23, line 28.
Strike: Section 19 in its entirety
Insert: "NEW SECTION. **Section 19. Effective dates.** (1) Except as provided in subsection (2), [this act] is effective July 1, 2019.
(2) [Section 5(6)(m) and section 7] are effective January 1, 2020."

And, as amended, be concurred in.

HB 154, be concurred in.
HB 259, be concurred in.

NATURAL RESOURCES (Welborn, Chair): 2/18/2019
SB 252, do pass.
HB 56, be concurred in.
HB 57, be concurred in.

HB 70, be concurred in.
HB 220, be concurred in.

PUBLIC HEALTH, WELFARE AND SAFETY (Howard, Chair): 2/18/2019
SB 216, do pass.

STATE ADMINISTRATION (Brown, Chair): 2/18/2019
SJ 9, introduced joint resolution, be amended as follows:

1. Page 2, line 27.
Following: line 26
Insert: "(4) That the Secretary of State send copies of this resolution to all three members of Montana's Congressional Delegation, Governor Bullock, Director General Kuo-Shu Fan and Vice Consul KuanTing Chen of the Taipei Economic and Cultural Office in Seattle, President Ing-Wen Tsai, and Minister of Foreign Affairs Jaushieh Joseph Wu."

And, as amended, do pass.

TAXATION (Webb, Chair): 2/19/2019
SB 217, introduced bill, be amended as follows:

1. Page 4, line 30.
Strike: "$30,000"
Insert: "$20,000"

2. Page 5, line 1.
Strike: "$36,000"
Insert: "$26,000"

And, as amended, do pass.

Without objection, committee reports were adopted.

MESSAGES FROM THE GOVERNOR

February 19, 2019

Senator Scott Sales, President
Montana Senate
Capitol Building
Helena, MT 59601

Dear President Sales:

On Tuesday, February 19, 2019, I signed the following bills:

Senate Bill 10 - Salomon
Senate Bill 16 - Salomon
Senate Bill 28 - Richmond

These bills have been delivered to the Secretary of State's Office.

Sincerely,

STEVE BULLOCK
Governor

MESSAGES FROM THE OTHER HOUSE

House bills passed and transmitted to the Senate for concurrence: 2/18/2019

HB 179, introduced by A. Redfield
HB 243, introduced by K. White
HB 265, introduced by K. White
HB 275, introduced by F. Garner
HB 297, introduced by F. Fleming
HB 320, introduced by B. Mercer
HB 322, introduced by J. Fuller
HB 326, introduced by A. Redfield
HB 327, introduced by A. Redfield
HB 366, introduced by R. Farris-Olsen
HB 369, introduced by R. Lynch

FIRST READING AND COMMITMENT OF BILLS

The following Senate bills were introduced, read first time, and referred to committees:

SB 279, introduced by T. Jacobson, referred to Business, Labor, and Economic Affairs.
SB 280, introduced by A. Olszewski, M. Caferro, S. Fitzpatrick, K. Kelker, S. Malek, T. Moore, W. Sales, D. Salomon, D. Sands, F. Thomas, R. Webb, referred to Public Health, Welfare and Safety.
SB 281, introduced by J. Fielder, referred to State Administration.
SB 283, introduced by J. Cohenour, K. Dudik, P. Flowers, T. Jacobson, J. Karjala, J. Pomnichowski, J. Welborn, referred to Fish and Game.
SB 284, introduced by J. Gross, B. Bennett, P. Flowers, T. Jacobson, M. MacDonald, S. Malek, E. McClafferty, N. McConnell, M. McNally, M. Phillips, J. Pomnichowski, D. Salomon, D. Sands, J. Sesso, F. Smith, G. Vuckovich, S. Webber, referred to State Administration.
SB 285, introduced by D. Brown, referred to State Administration.
SB 286, introduced by B. Bennett, K. Bogner, D. Brown, J. Cohenour, J. Fielder, S. Fitzpatrick, P. Flowers, F. Garner, S. Greef, M. Hopkins, F. Mandeville, M. McNally, K. Regier, T. Richmond, K. Sullivan, G. Vance, D. Zolnikov, referred to Judiciary.
SB 287, introduced by J. Ellsworth, referred to Fish and Game.

The following Senate bill was introduced and read first time:

SB 282, introduced by J. Fielder.

The following Senate bill, previously introduced, was referred to committee:

SB 278, introduced by T. Richmond, D. Ankney, referred to Energy and Telecommunications.

The following Senate joint resolution was introduced, read first time, and referred to committee:

SJ 13, introduced by M. Cuffe, referred to State Administration.

The following House bills were introduced, read first time, and referred to committees:

HB 179, introduced by A. Redfield, referred to Agriculture, Livestock and Irrigation.
HB 243, introduced by K. White, referred to Fish and Game.
HB 265, introduced by K. White, referred to Fish and Game.
HB 275, introduced by F. Garner, referred to Fish and Game.
HB 297, introduced by F. Fleming, B. Beard, R. Garcia, D. Lenz, B. Mercer, B. Usher, referred to State Administration.
HB 320, introduced by B. Mercer, referred to Business, Labor, and Economic Affairs.
HB 322, introduced by J. Fuller, S. Berglee, M. Blasdel, W. Galt, G. Hertz, B. Tschida, D. Skees, referred to Judiciary.
HB 326, introduced by A. Redfield, Z. Brown, referred to Local Government.
HB 327, introduced by A. Redfield, referred to Agriculture, Livestock and Irrigation.
HB 366, introduced by R. Farris-Olsen, M. Funk, referred to Judiciary.
HB 369, introduced by R. Lynch, referred to Judiciary.

SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)

Majority Leader Thomas moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator R. Webb in the chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

SB 184 - Majority Leader Thomas moved consideration of **SB 184** and **SB 162** be placed at the bottom of the second reading board. Without objection, so ordered.

SB 30 - Majority Leader Senator Thomas moved consideration of **SB 30** be passed for the day. Without objection, so ordered.

SB 44 - Senator Cohenour moved consideration of **SB 44** be passed for the day. Without objection, so ordered.

SB 32 - Senator Sesso moved **SB 32** do pass. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Mr President, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn.
Total 49

Nays: Esp.
Total 1

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 147 - Senator MacDonald moved **SB 147** do pass. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hoven, Howard, Jacobson, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith

C, Smith F, Tempel, Thomas, Vuckovich, Webb, Webber, Welborn.
Total 46

Nays: Hinebauch, Kary, Mr President, Vance.
Total 4

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 226 - Senator Vance moved **SB 226** do pass. Motion carried as follows:

Yeas: Ankney, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Lang, MacDonald, McClafferty, McConnell, McNally, Mr President, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn.
Total 46

Nays: Barrett, Esp, Keenan, Malek.
Total 4

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 229 - Senator Hoven moved **SB 229** do pass. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Boland, Cohenour, Ellis, Fielder, Flowers, Gauthier, Gillespie, Gross, Hoven, Jacobson, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Sands, Sesso, Small, Smith F, Tempel, Thomas, Vuckovich, Webb, Webber.
Total 34

Nays: Blasdel, Bogner, Brown, Cuffe, Ellsworth, Esp, Fitzpatrick, Hinebauch, Howard, Kary, Keenan, Mr President, Salomon, Smith C, Vance, Welborn.
Total 16

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 53 - Senator Sesso moved **SB 53** do pass. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Boland, Brown, Cohenour, Ellis, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hoven, Jacobson, MacDonald, Malek, McClafferty, McConnell, McNally, Mr President, Phillips, Pomnichowski, Richmond, Sands, Sesso, Small, Smith F, Thomas, Vuckovich, Webber, Welborn.
Total 31

Nays: Blasdel, Bogner, Cuffe, Ellsworth, Esp, Fielder, Hinebauch, Howard, Kary, Keenan, Lang, Olszewski, Osmundson, Regier, Salomon, Smith C, Tempel, Vance, Webb.
Total 19

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 231 - Senator Bennett moved **SB 231** do pass. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Mr President, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn.
Total 50

Nays: None.
Total 0

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 232 - Senator Bennett moved **SB 232** do pass. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hoven, Howard, Jacobson, Kary, Keenan, MacDonald, Malek, McClafferty, McConnell, McNally, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith F, Tempel, Thomas, Vuckovich, Webb, Webber, Welborn.
Total 41

Nays: Bogner, Fielder, Hinebauch, Lang, Mr President, Olszewski, Osmundson, Smith C, Vance.
Total 9

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 45 - Senator Cohenour moved **HB 45** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Boland, Cohenour, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Jacobson, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Phillips, Pomnichowski, Richmond, Salomon, Sands, Sesso, Small, Smith F, Tempel, Vuckovich, Webber, Welborn.
Total 35

Nays: Blasdel, Bogner, Brown, Cuffe, Howard, Kary, Keenan, Mr President, Olszewski, Osmundson, Regier, Smith C, Thomas, Vance, Webb.
Total 15

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HJ 3 - Senator Kary moved **HJ 3** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hoven, Jacobson, Kary, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber.
Total 40

Nays: Blasdel, Bogner, Esp, Fielder, Hinebauch, Howard, Keenan, Mr President, Smith C, Welborn.
Total 10

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 145 - Senator Gross moved **HB 145** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Mr President, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn.
Total 49

Nays: Howard.
Total 1

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 228 - Senator Esp moved **HB 228** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally,

Mr President, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn.
Total 50

Nays: None.
Total 0

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SR 12 - Senator D. Brown moved that the nominations transmitted by the Governor be concurred in and confirmed by the Senate in accordance with **SR 12**. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Mr President, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn.
Total 50

Nays: None.
Total 0

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SR 30 - Senator D. Brown moved that the nomination transmitted by the Governor be concurred in and confirmed by the Senate in accordance with **SR 30**. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Mr President, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon,

Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn.
Total 50

Nays: None.
Total 0

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

President Sales assumed the chair.

SB 184 - Senator R. Webb moved **SB 184** do pass. Motion **failed** as follows:

Yeas: Blasdel, Bogner, Brown, Cuffe, Ellsworth, Esp, Fielder, Gillespie, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, Mr President, Olszewski, Osmundson, Regier, Richmond, Salomon, Small, Smith C, Thomas, Vance, Webb.
Total 25

Nays: Ankney, Barrett, Bennett, Boland, Cohenour, Ellis, Fitzpatrick, Flowers, Gauthier, Gross, Jacobson, MacDonald, Malek, McClafferty, McConnell, McNally, Phillips, Pomnichowski, Sands, Sesso, Smith F, Tempel, Vuckovich, Webber, Welborn.
Total 25

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 184 - Majority Leader Thomas moved **SB 184** be **indefinitely postponed**. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Boland, Cohenour, Ellis, Ellsworth, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Jacobson, MacDonald, Malek, McClafferty, McConnell, McNally, Phillips, Pomnichowski, Richmond, Sands, Sesso, Small, Smith F, Tempel, Vance, Vuckovich, Webber, Welborn.
Total 30

Nays: Blasdel, Bogner, Brown, Cuffe, Esp, Fielder, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, Mr President, Olszewski, Osmundson, Regier, Salomon, Smith C, Thomas, Webb.
Total 20

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 162 - Senator R. Webb moved **SB 162** do pass. Motion carried as follows:

Yeas: Barrett, Bennett, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Flowers, Gillespie, Gross, Hoven, Howard, Jacobson, Kary, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Mr President, Olszewski, Phillips, Pomnichowski, Richmond, Salomon, Sands, Sesso, Smith C, Smith F, Tempel, Vuckovich, Webb, Webber.
Total 35

Nays: Ankney, Blasdel, Bogner, Esp, Fielder, Fitzpatrick, Gauthier, Hinebauch, Keenan, Osmundson, Regier, Small, Thomas, Vance, Welborn.
Total 15

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

Majority Leader Thomas moved the committee **rise and report**. Motion carried. Committee arose. Senate resumed. President Sales presiding.

Senator Webb moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Mr President, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn.
Total 50

Nays: None.
Total 0

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

MOTIONS

Majority Leader Thomas moved that **SB 53** and **SB 147**, heard on second reading this date, be re-referred to the Finance and Claims Committee. Without objection, so ordered.

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

SB 78 passed as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Mr President, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn.
Total 50

Nays: None.
Total 0

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 132 passed as follows:

Yeas: Ankney, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Mr President, Olszewski, Osmundson, Phillips, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn.
Total 47

Nays: Barrett, Ellis, Pomnichowski.
Total 3

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 176 passed as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Mr President, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn.
Total 50

Nays: None.
Total 0

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 177 passed as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Jacobson, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Mr President, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso,

Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn.
Total 48

Nays: Howard, Kary.
Total 2

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 223 passed as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Mr President, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn.
Total 50

Nays: None.
Total 0

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 43 concurred in as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Mr President, Olszewski, Osmundson, Phillips, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn.
Total 49

Nays: Pomnichowski.

Total 1

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 50 concurred in as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Mr President, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn.
Total 50

Nays: None.
Total 0

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 51 concurred in as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Mr President, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn.
Total 48

Nays: Keenan, Olszewski.
Total 2

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 102 concurred in as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Mr President, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn.
Total 50

Nays: None.
Total 0

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 143 concurred in as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Mr President, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn.
Total 50

Nays: None.
Total 0

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 163 concurred in as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Mr President, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn.
Total 50

Nays: None.
Total 0

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 196 concurred in as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Mr President, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn.
Total 49

Nays: Cuffe.
Total 1

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 201 concurred in as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Mr President, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn.
Total 50

Nays: None.
Total 0

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 206 concurred in as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Mr President, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn.
Total 50

Nays: None.
Total 0

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

ANNOUNCEMENTS

Senator Cuffe arose and stated that it was his intent to vote Yes on the third reading of **HB 206**

and that he wished to make sure his vote had been included in the final vote.

Senator Gross arose on a point of personal privilege and clarified information presented during the discussion of **HB 145**.

Committee meetings were announced by the committee chairs.

Majority Leader Thomas moved the Senate adjourn until 1:00 p.m., Wednesday, February 20, 2019, the thirty-sixth legislative day. Motion carried.

Senate adjourned at 2:47 p.m.

MARILYN MILLER
Secretary of the Senate

SCOTT SALES
President of the Senate